

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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TITUS HENDERSON,

Plaintiff,

v.

DAVID BELFUEL, in his individual and official
capacity, JEFFREY ENDICOTT, in his individual
and official capacity, SUZANNE DEHAAN, in her
individual and official capacity, SCOTT ECKSTEIN,
in his individual capacity, JANELLE PASKE, in her
individual capacity, DAVID TARR, in his individual
capacity, SANDRA HAUTUMAKI, in her individual
capacity, CINDY O'DONNELL, in her official capacity
and JOHN DOES,

Defendants.

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ORDER

03-C-729-C

On March 16, 2004, I granted plaintiff's request for leave to proceed in forma pauperis on his claims that defendants violated his Fourth and Eighth Amendment rights and retaliated against him for exercising his First Amendment rights. The Attorney General's office has accepted service of plaintiff's complaint on behalf of all of the defendants except defendants David Belfuel and Janelle Paske, who are no longer employed by the Department of Corrections. Therefore, the clerk of court has prepared Marshals Service and summons

forms for these defendants, and is forwarding copies of the complaint and completed forms to the United States Marshal for service on them.

In completing the Marshals Service forms for defendants Belfuel and Paske, the clerk has provided a forwarding address for defendant Belfuel at the Redgranite Police Department, where he is currently employed. However, the clerk has not provided a forwarding address for defendant Paske, because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendant Paske by contacting her former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for defendant Paske's current addresses or both. See Sellers v. United States, 902 F.2d 598, 602 (7th Cir. 1990) (once defendant is identified, marshal to make reasonable effort to obtain current address). Reasonable efforts do not require the marshal to be a private investigator for civil litigants or to use software available only to law enforcement officers to discover addresses for defendants whose whereabouts are not discoverable through public records.

Also, for plaintiff's information, in Sellers, the court of appeals recognized the security concerns that arise when prisoners have access to the personal addresses of former or current prison employees. Sellers v. United States, 902 F.2d at 602. For this reason prison employees often take steps to insure that their personal addresses are not available in public records accessible through the Internet. If the marshal is successful in obtaining defendant

Paske's personal address, he is to maintain that address in confidence rather than reveal it on the marshals service form, because the form is filed in the court's public file and mailed to the plaintiff after service is effected.

Entered this 30th day of March, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge