

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

JOHNSON W. GREYBUFFALO #229871,

Plaintiff,

v.

DANIEL BERTRAND,
MICHAEL BAENEN,
ROBERT NOVITSKI,
individually and in their official capacities,

Defendants.

MEMORANDUM

03-C-559-C

In an order entered on November 6, 2003, I granted plaintiff's request for leave to proceed in forma pauperis on certain of his claims against defendants Bertrand, Baenen and Novitski. The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Bertrand and Baenen, but it has not accepted service for defendant Novitski because he is no longer employed by the Department of Corrections. Therefore, the clerk of court has prepared a Marshals Service and summons form for defendant Novitski and is forwarding a copy of the complaint and the completed forms to the United States Marshal for service on Novitski.

In completing the Marshals Service form for defendant Novitski, the clerk has not provided a forwarding address because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendant Novitski by contacting his former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for the defendant Novitski's current address 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 the defendant's personal address, he is to maintain the address in confidence rather than reveal

it on the marshals service form, because such forms are filed in the court's public file and mailed to the plaintiff after service is effected.

Entered this 21st day of November, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge