

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

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JONATHON M. MARK,

Plaintiff,

v.

MEMORANDUM

05-C-279-C

Off. IMBERG; Capt. HANSON; Capt. SCHULTZ;  
Off. GUSTAFSON; Sgt. McARTHER; Chaplain  
OLSON; UNIT PSYCHOLOGIST (MELROSE - JANE DOE);  
Lt. DOHMS; Unit Manager DOUGHERTY;  
Mr. BROWN (head of PRC); STEVEN M. PUCKETT;  
Sgt. MESHUN; Unit Psychologist (Oxbow - JANE DOE),

Defendants.

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In an order entered on July 6, 2005, I granted plaintiff's request for leave to proceed in forma pauperis on his claims that 1) defendants Imberg, Hanson, Schultz and Olson violated his rights under the First Amendment by denying him a religious publication entitled "Llewellyn"; 2) defendants Imberg and Olson violated his rights under the equal protection clause of the Fourteenth Amendment by denying him a religious publication entitled "Llewellyn"; 3) defendants Gustaffson and McArther violated his rights under the First Amendment by destroying his magical seals; 4) defendant Olson retaliated against him

for filing an inmate complaint by withholding plaintiff's religious publications; 5) defendant Meshun retaliated against plaintiff for causing Meshun to be investigated for showing favoritism toward another inmate by changing plaintiff's room assignment and transferring him "off the unit"; 6) defendants Unit Psychologist (Melrose - Jane Doe) and Unit Psychologist (John Doe) - Oxbow violated plaintiff's Eighth Amendment protection against cruel and unusual punishment by not providing him with sufficient treatment and medication for his schizophrenia; and 7) defendants Dohms, Dougherty, Brown and Puckett conspired to violate plaintiff's right of access to courts by transferring him to a correctional institution that lacked legal resources he needed to initiate this lawsuit and to pursue his motion for post-conviction relief.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of all of the defendants except the Jane Doe defendants and defendants Imberg and Puckett, who are no longer employed by the Department of Corrections. As I told plaintiff in the order granting him leave to proceed on his claim, Magistrate Judge Stephen Crocker will hold a preliminary pretrial conference after the named defendants have filed their response to plaintiff's complaint, at which time the magistrate judge will discuss with the parties the most efficient way to obtain identification of the Doe defendants. These defendants cannot be served with plaintiff's complaint until plaintiff learns their names and amends his complaint to include them.

With respect to defendants Officer Imberg and Steven M. Puckett, however, the clerk of court has prepared Marshals Service and summons forms and is forwarding copies of the complaint and completed forms to the United States Marshal for service on them.

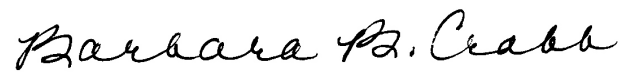
In completing the Marshals Service forms for defendants Imberg and Puckett, the clerk has not provided forwarding addresses because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendants Imberg and Puckett by contacting their former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for the defendants' 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. Id. 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 defendants' personal addresses, he is to maintain those addresses in confidence rather than reveal them on the marshals service

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

Entered this 15th day of July, 2005.

BY THE COURT:

A handwritten signature in cursive script that reads "Barbara B. Crabb".

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BARBARA B. CRABB

District Judge