

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

LARRY GEORGE,

Plaintiff,

v.

JUDY SMITH, RUTH TRITT,
MARTY SCHROEDER, OFFICER VILSKI,
TIM PIERCE and NURSE CARIVOU,

Defendants.

ORDER

05-C-403-C

As required by the order entered in this case on December 1, 2005, with one exception, plaintiff Larry George has submitted proof that he prepared copies of his complaint for the defendants and mailed the complaint, together with the additional materials required by Fed. R. Civ. P. 4(d) to the defendants by United States mail. The exception is that plaintiff has not served defendant Marty Schroeder by mail, because he does not know Schroeder's address (according to plaintiff, Schroeder is retired) and cannot obtain it from prison staff. For that reason, plaintiff has renewed his request that the court find him indigent for the purpose of having the United States Marshal serve his complaint on this defendant. Plaintiff has supported his request with a certified copy of his trust fund

account statement showing that he qualifies for pauper status. Therefore, I will grant plaintiff's request and ask the United States Marshal to make an effort to obtain defendant Schroeder's address from the Department of Corrections and, upon receiving the address, serve Schroeder with plaintiff's complaint. The clerk of court will prepare Marshals Service and summons forms for defendant Schroeder and forwarding a copy of plaintiff's complaint and the completed forms to the United States Marshal for service on him.

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

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed in forma pauperis in this action for the purpose of having his complaint served on defendant Marty Schroeder is GRANTED.

Entered this 21st day of December, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge