

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

LUIS VASQUEZ,

Plaintiff,

MEMORANDUM

v.

05-C-528-C

MATHEW FRANK, Secretary,
GARY McCAUGHTRY, Former Warden,
MARC CLEMENTS, Security Director,
CURTIS JANSSEN, HSCUM,
STEVEN SCHUELER, HSCSS,
BELINDA SCHRUBBE, HSUM,
GARY ANKARLO, PSUS,
RICK RAEMISCH, OOS,
JAMES MUENCHOW, ICE,
JOHN McDONALD, Social Worker,
GEORGE KAEMMERER, PSU,
DOCTOR LARSON, HSU,

Defendants.

In an order dated January 29, 2007, I granted plaintiff leave to proceed in this action on his claim that defendants Matthew Frank, Gary McCaughtry, Marc Clements, Curtis Janssen, Steven Schueler, Belinda Schrubbe, Gary Ankarlo, Richard Raemisch, James Muenchow, John McDonald and George Kaemmerer violated his Eighth Amendment rights

by exposing him to 24-hour lighting, inadequate ventilation and extreme heat.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of all of the defendants except defendant Gary McCaughtry, who is retired from the Department of Corrections. Therefore, the clerk of court has prepared a Marshals Service and summons forms for defendant McCaughtry and is forwarding a copy of plaintiff's complaint, the January 29 order and the completed forms to the United States Marshal for service on him.

In completing the Marshals Service form for defendant McCaughtry, 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 McCaughtry by contacting his former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for defendant McCaughtry'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 defendant Berge's personal address, he is to maintain the 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 12th day of February, 2007.

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