

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

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

RICHARD SCHNEITER, GARY BOUGHTON,
PETER HUIBREGTSE, RICK RAEMISCH, SANDRA
HAUTAMAKI, ELLEN RAY, GERALD BERGE,
CAPTAIN MONICA HORNER,
THOMAS CRAVENS and SGT. STEVEN WRIGHT,¹

Defendants.

MEMORANDUM

06-C-608-C

Plaintiff Nathaniel Lindell has been granted leave to proceed in forma pauperis on his claims that 1) defendants Wright, Berge, Ellen Ray, Huibregtse, Hautamaki and Raemisch exhibited deliberate indifference to his health by denying him access to adequate amounts of sunlight; 2) defendants Schneider, Ellen Ray, Huibregtse, Hautamaki and Raemisch

¹In accepting informal service of process of plaintiff's complaint on all of the defendants except defendant Berge, defendants have noted that defendant Horner's first name is Monica, not Jill, and that the first names of defendants Cravens and Wright are Thomas and Steven, respectively. The caption of this order has been altered to reflect these corrections.

exhibited deliberate indifference to his health by promulgating and enforcing policies that require him to wear clothing contaminated with other inmates' bodily fluids; and 3) defendants Horner, Cravens, Boughton and Huibregtse violated his rights under the First Amendment by refusing temporarily to admit him to the High Risk Offender Program in retaliation for his filing lawsuits and grievances.

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

In completing the Marshals Service form for defendant Berge, 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 Berge by contacting his former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for defendant Berge'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 29th day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge