

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

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EDWIN GONZALES,

Plaintiff,

v.

DR. BOB BEVARD, NURSE SUE WARD
and NURSE STEVE HELGERSON,

Defendants.

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ORDER

07-C-144-C

Plaintiff Edwin Gonzales has been granted leave to proceed in this action on a claim that defendants Bob Brevard, Sue Ward and Steve Helgersen violated his Eighth Amendment rights when they failed to provide him appropriate dental care in connection with the removal of his tooth. The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Brevard and Helgersen, but not defendant Ward, who is no longer employed by the Department of Corrections. Therefore, the clerk of court has prepared a Marshals Service and summons form for defendant Ward, and is forwarding a copy of the complaint and the completed forms to the United States Marshal for service on her.

In completing the Marshals Service forms for defendant Ward, 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 Ward by contacting her former employer (in this case, the Department of Corrections) or conducting an Internet search of public records for the defendant'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 Ward'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.

Entered this 1st day of May, 2007.

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