

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

LARRY BRACEY,

Plaintiff,

v.

JAMES GRONDIN, C.O. HUNT,
THOMAS TAYLOR, C.O. MURRAY,
C.O. KOELLER and JOLINDA WATERMAN,

Defendants.

ORDER

10-cv-316-slc

On August 12, 2010, this court screened plaintiff's complaint and supplement to his complaint and granted his request for leave to proceed *in forma pauperis* on his claims that defendants Grondin, Hunt, Taylor, Murray and Koeller violated plaintiff's right to be free from excessive force in violation of the Eighth Amendment and that defendant Waterman acted with deliberate indifference to plaintiff's serious medical needs when she refused to treat plaintiff's head injuries.

The Attorney General's office has accepted service of plaintiff's complaint on behalf of defendants Hunt, Taylor and Waterman, but *not* on behalf of defendants Grondin, Murray and Koeller, because they no longer are employed with the State of Wisconsin. Therefore, the clerk of court has prepared Marshals Service and summons forms for defendants Grondin, Murray and Koeller and is forwarding a copy of plaintiff's complaint, supplement to the complaint, the August 12 order and the completed forms to the United States Marshal for service on these defendants.

In completing the Marshals Service forms for defendants Grondin, Murray and Koeller, 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 these defendants by contacting 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*, 902 F.2d at 602. For this reason prison employees often take steps to ensure 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 service forms, because the forms are filed in the court's public file and mailed to the plaintiff after service is effected.

ORDER

IT IS ORDERED that the U.S. Marshal shall make reasonable efforts to locate defendants Grondin, Murray and Koeller and, if his efforts are successful, to serve them with a copy of the summons and complaint in this case. If the Marshal is unsuccessful in locating defendants Grondin, Murray and Koeller despite making reasonable efforts to locate them, he may file an unexecuted return on which he describes the efforts he made.

Entered this 23rd day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge