

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

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REGINALD A. MOTON,

Plaintiff,

v.

GREGORY GRAMS, JANEL NICKEL,  
CAPTAIN RADTKE, LORI ALSUM,  
DALIA SULIENE and R.N. D. BURRESON,,

Defendants.

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ORDER

10-cv-666-slc

In an order entered on March 15, 2011, I granted plaintiff's request to proceed *in forma pauperis* on his claims that defendants Grams and Nickel failed to protect him from an assault by another inmate, that defendants Suliene, Burreson and Alsum were deliberately indifferent to plaintiff's serious medical needs following the assault and that defendants Alsum and Radtke violated plaintiff's due process rights. The Attorney General's office has accepted service of plaintiff's complaint on behalf of all the defendants except defendant Burreson, who is no longer employed with the Department of Corrections. Therefore, the clerk of court has prepared Marshals Service and summons forms for this defendant and is forwarding a copy of the complaint and completed forms to the United States Marshal for service on defendant Burreson.

In completing the Marshals Service forms, the clerk has not provided a forwarding address for defendant Burreson because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendant Burreson by contacting her employer or conducting an Internet search of public records for the defendant's current addresses 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 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 addresses, he is to maintain that address in confidence rather than reveal it on the marshals service forms, because the forms are filed in the court's public file and mailed to the plaintiff after service is effected.

Finally, pursuant to an informal service agreement between the Wisconsin Department of Justice and this court, the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. This means that for the remainder of this lawsuit, plaintiff does not have to send a paper copy of each document he files with the court to the Department or defendants Grams, Nickel, Radtke, Alsum and Suliene. The Department will access the document through the court's electronic filing system.

Should the Department of Justice choose to represent defendant Burreson after she has been served, the informal service agreement would apply. However, if the Department does not represent defendant Burreson, plaintiff will be required to send counsel for defendant Burreson paper copies of each document he files with the court.

Discovery requests or responses are an exception to the electronic service rule. Usually, those documents should be sent directly to counsel for the opposing party and do not have to

be sent to the court. Discovery procedures will be explained more fully at the preliminary pretrial conference.

ORDER

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

Entered this 4<sup>th</sup> day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge