

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

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LOREN L. LEISER, SR.,

Plaintiff,

v.

ORDER

11-cv-328-slc

JEANNIE ANN VOEKS R.N., DR. BRIAN J. BOHLMAN,  
DR. KENNETH ADLER, DR. BRUCE GERLINGER,  
DR. BRAUNSTEIN, DR. JOAN M. HANNULA,  
BRADLEY HOMPE, JAMES GREER, REED RICHARDSON,  
HOLLY GUNDERSON, TIMOTHY HAINES,  
JODI DOUGERTY, CHERYL WEBSTER,  
KENNETH MILBECK, MATTHEW GERBER,  
JEROME SWEENEY, PATRICK LYNCH, JUDY BENTLEY,  
PATRICIA SCHERREIKS, RENE ANDERSON, DAVID BURNETT,  
DR. ARCHINIHU JOHN SPENCER AND JAMES LABELLE<sup>1</sup>,

Defendants.

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On May 4, 2012, I ordered plaintiff to inform the court whether he wishes to press forward on his claim against Dr. Speers, and if so, to specify whether this defendant's name is Speers or Spencer. I also directed plaintiff to provide the court with information to assist the U.S. Marshal in accomplishing service on this defendant. Plaintiff has responded by identifying "Dr. Speers" as Dr. Archinihu John Spencer, originally from Jamaica. Plaintiff reports that he would like to move forward with his claims against Dr. Spencer in this case. Accordingly, now the United States Marshals Service may serve Dr. Spencer with the complaint. The clerk of court has prepared a Marshals Service form and summons for Spencer and is forwarding a copy of the complaint, supplement to the complaint and completed forms to the United States Marshals for service.

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<sup>1</sup>I have amended the caption to replace Dr. Speers with the name Dr. Archinihu John Spencer as identified in plaintiff's May 16, 2012 response to court order.

In completing the Marshals Service forms, the clerk has not provided a forwarding address for the defendant because this information is unknown. It will be up to the marshal to make a reasonable effort to locate defendant Spencer by contacting the defendant's employers 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 Spencer's personal address, 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.<sup>2</sup>

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<sup>2</sup> Plaintiff is reminded of the informal service agreement between the Wisconsin Department of Justice and this court, where the Department has agreed to accept electronic service of documents on behalf of the defendants it represents. For the remainder of this lawsuit, plaintiff does *not* have to send a paper copy of documents he files with the court to the Department or to defendants Kenneth Adler, Rene Anderson, Judy Bentley, David Burnett, Jodi Dougerty, Matthew Gerber, Bruce Gerlinger, James Greer, Holly Gunderson, Timothy Haines, Joan M. Hannula, Bradley Hompe, James LaBelle, Patrick Lynch, Kenneth Milbeck, Reed Richardson, Patricia Scherreiks, Jerome Sweeney, Jeannie Ann Voeks and Cheryl Webster. The Department will access the document through the court's electronic filing system.

However, because the Department is not representing defendants Bohlmann, Braunstein and Spencer, plaintiff *does* have to send to each of these defendants a paper copy of every document he files with the court. (Sending the copies to the lawyers for these defendants counts as serving these defendants.)

ORDER

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

Entered this 17<sup>th</sup> day of May, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge