

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CRAIG THOMAS BATES,

Plaintiff,

v.

Case No. 10-C-0576

**NURSE JANE DOE, and
DR. STEPHEN A. CULLINAN,**

Defendants,

ORDER

In an Order entered March 21, 2012, I substituted Dr. Stephen A. Cullinan for Doctor John Doe. However, Dr. Cullinan has not yet been served with the complaint. The court found an address for Dr. Cullinan at Health Professionals, Ltd. in Peoria, Illinois, but the U.S. Marshal discovered that the address is no longer valid because Dr. Cullinan is no longer employed by Health Professionals, Ltd.

The United States Marshals Service is required to serve process on behalf of individuals proceeding in forma pauperis. See Fed. R. Civ. P. 4(c)(3). The Seventh Circuit Court of Appeals has ruled that the Marshal has the obligation to make reasonable efforts to find out defendant's present address, even if defendant is no longer employed by the state, county, prison, or jail. See Graham v. Satkoski, 51 F.3d 710, 712-13 (7th Cir. 1995). In Graham, the Marshals Service had not served prison employees who no longer worked at the prison, and the record indicated that "no effort was made to ascertain the defendants' new locations." 51 F.3d at 712. The court held that the district court erred by not questioning the sufficiency of the Marshals Service's efforts to locate the former employees, and remanded the case for the district court to "evaluate the Marshals Service's efforts and the adequacy of the state disclosure procedures." Id. at 713.

I will direct the U.S. Marshal to make additional attempts to locate and serve Dr. Cullinan, perhaps by searching Illinois driver's license information and/or contacting the agency that licenses medical professionals in Illinois. Therefore,

IT IS ORDERED that, on or before **August 20, 2012**, the United States Marshal shall ascertain the address of Dr. Stephen A. Cullinan and shall serve Dr. Cullinan. The address ascertained for purposes of service need not be disclosed to plaintiff and the certificate of service may be filed under seal with the court. If service is not completed, the Marshal shall submit an affidavit explaining what efforts were made to obtain Dr. Cullinan's current address. This affidavit shall be filed on or before **August 20, 2012**.

Dated at Milwaukee, Wisconsin, this 29th day of June 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge