

**UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**JOSE CUADRADO**

**v.**

**C.A. No. 08-305 ML**

**ASHBEL T. WALL, ET AL.**

**MEMORANDUM AND ORDER**

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff Jose Cuadrado, *pro se*, is an inmate at the Adult Correctional Institutions (the “ACI”) in Cranston, Rhode Island. He filed a Complaint with the Court alleging that he was assaulted by correctional officers at the ACI (Docket # 1). He named Ashbel T. Wall, Director of the Rhode Island Department of Corrections (“RIDOC”); Jake Gadsen, Assistant Director of RIDOC; and five current or former correctional officers as defendants. All defendants, except former correctional officer Leo Ashton, waived service and answered the Complaint.

Presently before the Court is a motion by plaintiff to compel the defendants, through their attorney, to provide the United States Marshal Service (“USMS”) Ashton’s address in order for the USMS to serve Ashton (Docket # 19). Defendants have objected to plaintiff’s motion (Docket # 23). For the reasons stated below, plaintiff’s motion is hereby GRANTED in accordance with this Memorandum and Order.

**DISCUSSION**

As plaintiff is proceeding *in forma pauperis* in this action, the Court ordered the USMS to serve the defendants (Docket # 12). The USMS attempted to serve Ashton at the ACI; however, RIDOC refused to accept service on behalf of Ashton, who was no longer employed

there. Plaintiff urges that he is unable to obtain a current address for Ashton, and therefore seeks an order compelling the attorney for RIDOC to provide the USMS Ashton's address. Defense counsel urges that (i) it is plaintiff's burden under the Federal Rules of Civil Procedure to serve defendant Ashton; (ii) Ashton no longer is employed by RIDOC and is not represented by RIDOC counsel; and (iii) furnishing Ashton's address would violate Ashton's privacy rights and pose a threat to his safety and security.

While the concerns set forth by defendants are valid, they do not pose an obstacle to the relief plaintiff seeks. Plaintiff is attempting to fulfill his obligation to serve defendants by using the discovery process to determine the address of a defendant for purposes of serving such defendant. Further, although revealing the home and/or new employment address of a correctional officer to a current or former inmate could create legitimate privacy and safety concerns, *see, e.g., Sellers v. United States*, 902 F.2d 598, 602 (7th Cir. 1990)(discussing safety concerns of revealing correctional officers' addresses), providing such address directly to the USMS for the sole purpose of serving process on such officer minimizes these concerns. Numerous courts have required a state or federal prison to release the address of an officer for purposes of service of process to either the plaintiff's attorney or the USMS under seal or with explicit directions to use the information only for service of process. *See, e.g., Sellers*, 902 F.2d at 602 (USMS responsible for both obtaining addresses of former prison guards directly from Bureau of Prisons for purposes of service of process and holding such addresses in confidence); *Melton v. Michigan Corrections Commission*, No. 07-CV-15480, 2009 WL 536560, at \* 1 (E.D.Mich. Mar. 3, 2009)(in prior ruling, court ordered defendants' counsel to provide under seal last known address for two unserved correctional officers, although here denied plaintiff's

motion to compel production of addresses to plaintiff directly); *Bustillo v. Hawk*, No. 97-WM-445, 1998 WL 299980, at \*5-6 (D.Col May 28, 1998)(court ordered defendant prison director to provide to the USMS the new work address or the last known home address of former correctional officers for service of process on such officers and required the USMS to safeguard release of the addresses); *Clymer v. Grzegorek*, 515 F.Supp. 938, 942 (D.C.Va. 1981)(court ordered Bureau of Prisons to release officer's home address to plaintiff's attorney "provided that counsel agrees not to disclose that address to any person, including plaintiff, except as necessary to perfect service of process" on officer).

In accordance with the foregoing,

(1) plaintiff's motion is hereby GRANTED; and

(2) RIDOC's counsel is ordered to provide the current work and/or home address or addresses RIDOC has on file for Leo Ashton directly to the USMS for the sole purpose of the USMS attempting to serve defendant Ashton.

IT IS SO ORDERED.

/s/ Jacob Hagopian  
Jacob Hagopian  
Senior United States Magistrate Judge  
April 14, 2009