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DEC 14 1994

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In the Matter of)	
PROCEDURES FOR SERVICE OF)	MISCELLANEOUS GENERAL
PRISONERS' CIVIL RIGHTS ACTIONS)	ORDER NO. 769
)	

Plaintiffs in civil rights actions brought by prisoners incarcerated in institutions of the State of Alaska, the Attorney General for the State of Alaska, and this court have frequently encountered difficulty in effecting service of prisoner civil rights complaints upon present and former employees of the State of Alaska, Department of Corrections. The problem is particularly acute as to former employees of the State of Alaska since one important source of information as to their current whereabouts are the confidential personnel files of the State of Alaska, from which information may not be released to private parties without a court order, pursuant

to Alaska Statute 39.25.080. Even with a court order, there are security concerns associated with the disclosure of current residences of former state penal institution employees and confidentiality should be maintained. This procedure is not intended to bypass judicial review of a complaint before a summons is issued. See 28 U.S.C. § 1915(d).

In consultation with the Attorney General for the State of Alaska, and in order to facilitate service of the civil rights complaints brought to this court by state prisoners,

IT IS HEREBY ORDERED:

(1) Irrespective of what service instructions may have been provided by a plaintiff¹ who brings a civil rights action in this court while incarcerated in a state penal institution against present or former employees of the State of Alaska, Department of Corrections, the clerk of court shall, upon the filing of such a complaint and entry of an order directing compliance with this Miscellaneous General Order as to certain defendants, issue summons to each of said defendants and forward a copy of the order directing compliance, a copy of all summons(es), and a copy of the complaint to the Attorney General for the State of Alaska or his designee.

¹ This procedure was developed and is intended primarily for use by the court in connection with cases brought by pro se plaintiffs who seek to proceed without payment of fees. A judicial officer may, in his discretion, by minute order directing compliance with this Miscellaneous General Order, invoke the procedures prescribed by this order in any prisoner civil rights case brought against present or former employees of the Alaska Department of Corrections.

(2) On or before twenty-one (21) days from the date of service of the order directing compliance, the Attorney General for the State of Alaska or his designee shall file appearances for any named defendant(s) as to whom a determination has then been made to provide representation. As to any other defendants who are or have been employees of the State of Alaska, Department of Corrections, who are being sued for their actions while so employed, the Attorney General or his designee shall provide to the United States Marshal such defendants' last known addresses contained in state personnel files. This information shall be maintained as confidential by the United States Marshal and shall not be disclosed other than as necessary to effectuate service of process through the Marshal's Office. The information shall not be placed in any files open to the public. The Attorney General or his designee shall, simultaneously and within twenty-one (21) days from the filing of the order directing compliance, file with the clerk of court a notice identifying those defendants for whom addresses have been provided to the Marshal and, when appropriate, identifying those defendants as to whom the State of Alaska has no current address. This notice shall not include the addresses of the defendants.

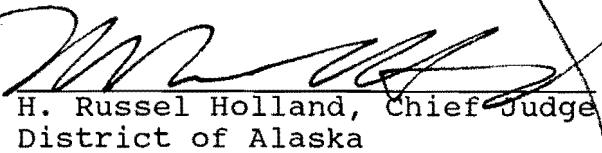
(3) Upon the application of the Attorney General or his designee, the clerk of court may approve a request for an extension of time, allowing an additional fourteen (14) days within which to file appearances or provide information and notice to the court.

Requests for longer extensions of time shall be presented to the assigned judicial officer for consideration.

(4) Upon receipt of defendant addresses as provided above, the United States Marshal shall proceed to effect service on defendants as to whom the State of Alaska has not appeared as soon as an appropriate arrangement for payment of the Marshal's costs has been made or an order dispensing with prepayment of costs has been entered.

(5) The Attorney General shall, within fifteen (15) days of this order, provide the clerk of court with the name and address of his designee, if any, who may be changed from time to time by notice to the clerk of court.

DATED at Anchorage, Alaska, this 14 day of December,
1994.



H. Russel Holland, Chief Judge
District of Alaska

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