

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION**

RICHARD CLARK, III,)		
)		
Plaintiff,)		
)		
v.)	Case No.	10-cv-4034
)		
TYSON FOODS, INC.,)		
)		
Defendant.)		
)		

ORDER & OPINION

Before the Court is Plaintiff's Motion for Default Judgment (Doc. 12). On April 5, 2010, Plaintiff, proceeding *pro se*, filed his Complaint against Defendant alleging employment discrimination in violation of 42 U.S.C. §§ 2000e-5 (Doc. 1). Service was attempted on June 17, 2010, when the United States Marshalls served a summons and complaint upon the human resources director of one of Defendant's stores (Doc. 9); however, Defendant failed to appear before the Court. Accordingly, on October 26, 2010 Plaintiff filed the instant Motion, seeking an entry of default against Defendant due to its failure to appear and answer, and for judgment to be entered on his behalf. (Doc. 12).

On December 3, 2010, Magistrate Judge Gorman reviewed Plaintiff's Motion and the service effected upon Defendant, and directed the Clerk to prepare and issue an alias summons for service upon Defendant's corporate headquarters, deferring a ruling on Plaintiff's Motion for Default Judgment. (Text Order of 12/3/2010). Since that time, Defendant has appeared before this Court and filed an

Answer to Plaintiff's Complaint (Doc. 26). Because Defendant has now appeared and answered Plaintiff's Complaint, Plaintiff's Motion for Default Judgment (Doc. 12) has been rendered MOOT. This case is REFERRED back to Magistrate Judge Gorman for pre-trial proceedings. IT IS SO ORDERED.

Entered this 7th day of February, 2011.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge