

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JERRI LEIGH JACKSON,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:09-0614
)	
COVENANT TRANSPORT, et al.,)	Judge Trauger/Bryant
)	
Defendants.)	

O R D E R

Plaintiff has filed a motion to compel (Docket Entry No. 22). This motion apparently seeks two different remedies. First, in the caption of the filing, the following title appears: "Motion To Compel Judge Brown/Trauger to send Covenant Transport summons via court channels" Immediately below this title the following title appears: "Motion to Compel Covenant ADR mediation for case resolution."

From the foregoing, it appears that by this motion plaintiff seeks to compel the Court to serve a summons and complaint upon the defendant. The record indicates that on December 7, 2010, after plaintiff returned the completed summons and U.S. Marshal's 285 form, the Clerk has issued process to defendant Covenant Transport (Docket Entry No. 23). Therefore, to the extent that plaintiff's motion seeks the issuance and service of process on the defendant, her motion is **DENIED** as moot.

Second, it appears, at least to the undersigned Magistrate Judge, that plaintiff seeks an order compelling

defendant Covenant Transport to participate in mediation or some other form of alternate dispute resolution. Since the defendant has not yet entered an appearance in this case, the Court finds that plaintiff's motion seeking an order requiring alternate dispute resolution to be, at best, premature. Therefore, the Court **DENIES** plaintiff's motion to the extent it seeks an order requiring ADR without prejudice to the plaintiff's right to seek such relief later after the defendant has been served with process and has entered an appearance in the case.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge