

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

THOMAS DAVIS,

Petitioner,

v.

**Civil Action No. 1:07cv5
(Judge Keeley)**

WARDEN JOYCE FRANCIS,

Respondent.

ORDER

Currently pending before the Court is the petitioner's Motion for Rule 26(f) Meeting. However, pursuant to Rule 26(a)(1)(e), and LR Civ P 16.01(g)(1), the provisions of Rule 26 do not apply to this case because it is an action brought without counsel by a person in custody of the United States.

It is therefore Ordered that the petitioner's Motion for Rule 26(f) Meeting (Doc. 36) be **DENIED.**

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* petitioner and any counsel of record.

DATED: December 14, 2007

/s/ James E. Seibert _____
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE