

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

JAMES DAVIS,  
Plaintiff,

v.

ALLY BANK,  
Defendant.

Case No. 2:11-CV-42-CW-SA

**ORDER DENYING MOTIONS FOR  
TELEPHONIC HEARING AND  
SERVICE OF PROCESS**

Before the court is Plaintiff James Davis' motions requesting a telephonic hearing (Doc. 4) and service of process (Doc. 5). Mr. Davis is a *pro se* plaintiff whose motion to proceed *in forma pauperis* was granted on January 18, 2011, the same day his complaint was filed. (Docs. 1-3.) Because Mr. Davis is proceeding *pro se*, the court liberally construes his pleadings. See *Ledbetter v. City of Topeka, Kansas*, 318 F.3d 1183, 1187 (10<sup>th</sup> Cir. 2003).

The court first addresses Mr. Davis' motion for a telephonic hearing. (Doc. 4.) In his motion, Mr. Davis explains that he is "located outside of the defendant's business location of Midvale, Utah" and he is "requesting to attend the hearing telephonically as I cannot afford to attend in person and I do not have video

conferencing equipment or abilities." No hearing has been scheduled in this case, so the court does not know to which hearing Mr. Davis is referring in this motion. Because no hearing has been set, the court denies the motion for telephonic hearing. If, in the future, a hearing is scheduled in this case, that would be the appropriate time for Mr. Davis to file such a motion.

The court next addresses Mr. Davis' motion for service of process. (Doc. 5.) After considering the motion, the court denies it.

Therefore, **IT IS HEREBY ORDERED** that:

(1) Mr. Davis' motion requesting a telephonic hearing (**Doc. 4**) is **DENIED**, and

(2) Mr. Davis' motion requesting service of process (**Doc. 5**) is **DENIED**.

DATED this 29th day of March, 2011.

BY THE COURT:



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SAMUEL ALBA  
United States Magistrate Judge