

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Howard William Barr v. YesCare and Randall J. McDaniel, D.M.D.

Barr v. YesCare · No. 2:25-CV-177-WKW · Decided March 31, 2026

SUMMARY

The United States District Court for the Middle District of Alabama denied Defendant Randall J. McDaniel’s motion to dismiss under Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process. The court also denied his alternative Rule 12(e) motion for a more definite statement and directed him to answer the complaint by April 21, 2026.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	March 31, 2026
DOCKET	2:25-CV-177-WKW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Randall J. McDaniel moved to dismiss the claims against him for insufficient service of process under Federal Rule of Civil Procedure 12(b)(5) and alternatively moved for a more definite statement under Rule 12(e).
STANDARD OF REVIEW	For a Rule 12(b)(5) motion, the court applied Federal Rule of Civil Procedure 4(m) and its discretionary authority to extend the service period. For a Rule 12(e) motion, the court considered whether the pleading was so vague or ambiguous that the defendant could not reasonably prepare a response, while accepting well-pleaded allegations as true and liberally construing the pro se complaint.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Howard William Barr v. YesCare, Randall J. McDaniel, D.M.D.

TOPICS

service of process

motion for a more definite statement

civil procedure

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should dismiss McDaniel under Rule 12(b)(5) because service was not completed within Rule 4(m)'s 90-day period.
2. Whether Barr should be required to provide a more definite statement under Rule 12(e) identifying the dentist involved in each encounter and more precise dates.

HOLDINGS

1. Dismissal was not warranted because Rule 4(m) permits the district court to extend the time for service even absent good cause, and McDaniel had been served and was aware of the claims.
2. A more definite statement was not required because Barr's allegations were sufficiently understandable to permit a response, and the requested details were not appropriate grounds for Rule 12(e) relief.

KEY QUOTATIONS

“Rule 4(m) grants discretion to the district court to extend the time for service of process even in the absence of a showing of good cause.” (Section A)

“A motion for a more definite statement under Rule 12(e) is not to be employed as a substitute for pre-trial discovery.” (Section B)

FACTUAL BACKGROUND

Barr alleged that constitutional violations occurred during three encounters with a dentist over a two-year period. Although McDaniel was not served within the initial 90-day period, he was served before the court ruled on the motion and became aware of the claims. Barr identified McDaniel as the dentist and provided a two-year period for the alleged incidents.

PROCEDURAL HISTORY

Barr, a pro se inmate proceeding in forma pauperis, brought claims concerning alleged violations of his federal constitutional rights. McDaniel moved to dismiss on the ground that he was not served within Rule 4(m)'s 90-day period and alternatively sought a more definite statement identifying the dentist involved and the dates of the alleged encounters. The court denied both motions and directed McDaniel to answer the complaint by April 21, 2026.

DISPOSITION

other

CASES CITED

- Horenkamp v. Van Winkle & Co., 402 F.3d 1129, 1132 (11th Cir. 2005)
- Herman v. Cont'l Grain Co., 80 F. Supp. 2d 1290, 1297 (M.D. Ala. 2000)

OPINION

Howard William Barr v. YesCare and Randall J. McDaniel, D.M.D.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

HOWARD WILLIAM BARR,)

AIS # 117790,)

) Plaintiff,))

v.) CASE NO. 2:25-CV-177-WKW

) [WO] YESCARE and)

RANDALL J. McDANIEL, D.M.D.,)

) Defendants.)

MEMORANDUM OPINION AND ORDER

Before the court are Defendant Randall J. McDaniel, D.M.D.'s Motion to Dismiss and Motion for a More Definite Statement. (Doc. # 26.) For the reasons to follow, Defendant's motions will be denied. A. Rule 12(b)(5) Motion to Dismiss Defendant moves the court to dismiss Plaintiff's claims against him pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure because he was not served within the 90-day deadline imposed by Rule 4(m) of the Federal Rules of Civil Procedure. (Doc. # 26 at 4.) Rule 4(m) provides: If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. Fed. R. Civ. P. 4(m). However, "Rule 4(m) grants discretion to the district court to extend the time for service of process even in the absence of a showing of good cause." Horenkamp v. Van Winkle & Co., 402 F.3d 1129, 1132 (11th Cir. 2005). Notwithstanding Defendant's contention that "the Court, the Clerk, [Alabama Department of Corrections], and others . . . went above and beyond the 'reasonable effort' they were required to expend to find Dr. McDaniel" (Doc. # 26 at 7), these efforts were not in vain. Dr. McDaniel has been served and is now a party to this action and aware of Plaintiff's claims against him. Furthermore, Plaintiff's status as a pro se inmate proceeding in forma pauperis necessitates heightened efforts to aid Plaintiff in identifying and serving those he alleges have violated his federal constitutional rights. Therefore, Defendant's Rule 12(b)(5) motion to dismiss for insufficient service of process will be denied. B. Rule 12(e) Motion for a More Definite Statement

Alternatively, Defendant moves the court to order Plaintiff to file a more definite statement. Rule 12(e) of the Federal Rules of Civil Procedure provides that “[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e). “The motion . . . must point out the defects complained of and the details desired.” Id. “A motion for a more definite statement under Rule 12(e) is not to be employed as a substitute for pre-trial discovery.” *Herman v. Cont’l Grain Co.*, 80 F. Supp. 2d 1290, 1297 (M.D. Ala. 2000). Here, Defendant asks that the court direct Plaintiff “to identify (1) the name of the dentist with whom he interacted on each of the three dates that his complaint describes, and (2) to the best of [Plaintiff’s] ability, to more specifically identify the year and month of the encounter.” (Doc. # 26 at 8.) Plaintiff already has identified Dr. McDaniel as “the dentist” (see Doc. # 15), an allegation that the court accepts as true at this stage of litigation. Plaintiff further provides a two-year period during which the alleged incidents involving the dentist occurred. (See Doc. # 1 at 2; Doc. # 1-1 at 1–4.) Although Plaintiff’s allegations may be unartfully pled, his status as a pro se inmate mandates a liberal reading of his complaint. Moreover, at this juncture, granting Defendant’s motion for a more definite statement would do little more than further delay the pre-trial discovery process. Accordingly, Defendant’s Rule 12(e) motion for a more definite statement will be denied. C. Conclusion Based on the foregoing, it is ORDERED that Defendant’s Motion to Dismiss pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure (Doc. # 26) is DENIED. It is further ORDERED that Defendant’s Motion for a More Definite Statement pursuant to Rule 12(e) of the Federal Rules of Civil Procedure (Doc. # 26) is DENIED. Defendant is DIRECTED to file an answer to the complaint on or before April 21, 2026. DONE this 31st day of March, 2026. /s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE