

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

John Frank Casrell v. Bay Van Tang, et al.

Casrell · No. 2:25-CV-660-ECM-KFP · Decided January 12, 2026

SUMMARY

The court grants in part and denies in part Plaintiff John Frank Casrell’s motion for additional time to serve Defendant Quintarrius Raquan McFolley and to serve him by publication. The court withdraws its recommendation to dismiss McFolley, extends the service deadline to February 26, 2026, and denies service by publication because Plaintiff provided no affidavit or specific facts demonstrating avoidance of service.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Kelly E. Pate
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	January 12, 2026
DOCKET	2:25-CV-660-ECM-KFP
DISPOSITION	other
PROCEDURAL POSTURE	After removal from Alabama state court, Plaintiff moved for additional time to serve an unserved defendant and for authorization to serve that defendant by publication.
STANDARD OF REVIEW	The court applied the requirements of Federal Rule of Civil Procedure 4(m), Federal Rule of Civil Procedure 4(e)(1), and Alabama Rule of Civil Procedure 4.3 governing service by publication.
PRECEDENTIAL VALUE	unknown
PARTIES	John Frank Casrell v. Bay Van Tang, et al.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established the requirements for service by publication under Alabama Rule of Civil Procedure 4.3.
2. Whether Plaintiff should receive additional time to perfect service on Defendant Quintarrius Raquan McFolley under Federal Rule of Civil Procedure 4(m).

HOLDINGS

1. Service by publication was properly denied because Plaintiff did not provide an affidavit or specific facts showing that McFolley was avoiding service, as required by Alabama Rule of Civil Procedure 4.3.
2. The court granted Plaintiff additional time to perfect service on McFolley through February 26, 2026, and withdrew the recommendation that McFolley be dismissed under Rule 4(m).

KEY QUOTATIONS

“Therefore, “to justify an order authorizing service by publication,” the plaintiff must show: “(1) that the . . . defendant has avoided service; (2) that the present location or residence of the . . . defendant is unknown; and (3) that the process server has failed to serve the . . . defendant.”” (Section II)

“However, without “specific facts of avoidance” to support this statement, the Court must find that Plaintiff’s claim is conclusory and thus insufficient under Rule 4.3(d)(1).” (Section III)

FACTUAL BACKGROUND

Plaintiff made multiple unsuccessful attempts to serve Quintarrius Raquan McFolley at different addresses through a sheriff and process server. Plaintiff alleged that McFolley was avoiding service by moving and frequently changing addresses, but he supplied no affidavit or specific facts supporting that assertion. The record showed failed service attempts but did not establish that McFolley was deliberately avoiding service or that the requirements for service by publication were satisfied.

PROCEDURAL HISTORY

Bay Van Tang removed the action from Montgomery County Circuit Court on August 21, 2025. Plaintiff repeatedly failed to serve Defendant Quintarrius Raquan McFolley, leading the Court to issue a show-cause order and a recommendation that McFolley be dismissed under Federal Rule of Civil Procedure 4(m). Plaintiff objected and moved for additional time and service by publication. The court withdrew the dismissal recommendation, granted additional time to perfect service, and denied service by publication.

DISPOSITION

other

CASES CITED

- *Am. Indoor Football Ass’n, Inc. v. Lockwood*, 267 F.R.D. 663, 666 (M.D. Ala. 2010)
- *Beasley v. United States*, 162 F.R.D. 700, 701–02 (M.D. Ala. 1995)
- *Thomas v. Morgan*, 1 F. Supp. 2d 1424, 1425 (M.D. Ala. 1998)
- *Shaddix v. Shaddix*, 603 So. 2d 1096, 1098 (Ala. Civ. App. 1992)
- *Vaughn v. O’Neal*, 736 So. 2d 635, 638 (Ala. Civ. App. 1999)
- *Bedgood v. Garcia*, 2009 WL 1664131, at *3–4 (M.D. Ala. June 15, 2009)
- *Fisher v. Amaraneni*, 565 So. 2d 84, 87 (Ala. 1990)
- *Volcano Enters., Inc. v. Rush*, 155 So. 3d 213, 219 (Ala. 2014)

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