

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Rex A. Moore v. Bill Lee, et al.

Case No. 3:23-cv-196 · No. 3:23-cv-196 · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee denies Rex A. Moore’s motions for relief from a final judgment under Federal Rule of Civil Procedure 60(b), to amend the dismissed complaint, and to appoint counsel. The court concludes that Moore has not established grounds for Rule 60(b) relief, that amendment is unavailable because judgment has been entered and not vacated, and that exceptional circumstances do not support appointment of counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Curtis L. Collier
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	March 5, 2026
DOCKET	3:23-cv-196
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for relief from a final judgment, sought to amend his dismissed complaint, and requested appointment of counsel. The court denied all requested relief.
STANDARD OF REVIEW	Relief from judgment under Federal Rule of Civil Procedure 60(b); amendment after entry of judgment under Rule 15; appointment of counsel based on whether exceptional circumstances exist, considering the complexity of the factual and legal issues and the plaintiff's ability to represent himself.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum; persuasive rather than precedential authority.

TOPICS

- motion for reconsideration
- motion to amend
- service of process
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether Moore was entitled to relief from the final judgment under Federal Rule of Civil Procedure 60(b).
2. Whether Moore could amend his complaint under Federal Rule of Civil Procedure 15 after judgment had been entered and the complaint had been dismissed.
3. Whether exceptional circumstances justified appointing counsel for Moore in the civil action.

HOLDINGS

1. Moore failed to establish any ground for relief under Federal Rule of Civil Procedure 60(b), including mistake, inadvertence, surprise, excusable neglect, fraud or misconduct, or any other reason justifying relief.
2. Moore could not amend the dismissed complaint under Rule 15 because the judgment had not been set aside or vacated; any new claims against new defendants would have to be brought in a new complaint.
3. Appointment of counsel was not warranted because Moore did not demonstrate exceptional circumstances.

KEY QUOTATIONS

“The appointment of counsel to an indigent civil litigant is justified only by exceptional circumstances.”
(Section II.C)

“Under Federal Rule of Civil Procedure 15, once a judgment has been entered in a case, the filing of an amendment is not allowed unless the judgment has been set aside or vacated” (Section II.B)

FACTUAL BACKGROUND

Moore filed a pro se civil-rights action under 42 U.S.C. § 1983 against Tennessee officials and other defendants. Defendants notified the court that the record lacked proper proof of service, and the court gave Moore an additional thirty days to complete service. Moore served defendants in their official capacities thirty-two days after the extended deadline and failed to serve any defendant individually, leading the court to dismiss the claims for improper service. Moore then sought relief from the judgment, amendment of his complaint, and appointment of counsel.

PROCEDURAL HISTORY

Rex A. Moore filed a pro se § 1983 complaint and later amended it to add a defendant. After defendants challenged service, the court gave Moore additional time to effect service. Moore served defendants in their official capacities late and did not serve any defendant in an individual capacity. The court dismissed the claims for improper service, and Moore then moved to set aside the judgment, amend his complaint, and appoint counsel.

DISPOSITION

other

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Eggleston v. Daniels, No. 15-11893, 2017 U.S. Dist. LEXIS 146090, at *4 (E.D. Mich. Sept. 7, 2017)
- McNiel v. FedEx Corporate Servs., No. 2:17-cv-2943, 2020 U.S. Dist. LEXIS 102367, at *6 (W.D. Tenn. June 11, 2020)
- Schafer v. City of Defiance Police Dep't, No. 3:6-cv-7084, 2009 U.S. Dist. LEXIS 16255, at *2 (N.D. Ohio Feb. 13, 2009)
- Reed v. Gonzalez, No. 16-cv-14255, 2017 U.S. Dist. LEXIS 23507, at *1–2 (E.D. Mich. Feb. 21, 2017)
- McBee v. Campbell Cnty. Det. Ctr., Nos. 17-5481/5943, 2018 U.S. App. LEXIS 6647, at *17-18 (6th Cir. Mar. 15, 2018)
- Lavado v. Keohane, 992 F.2d 601, 604-05 (6th Cir. 1993)
- Lavado v. Keohane, 992 F.2d 601, 606 (6th Cir. 1993)

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