

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROQUE DE LA FUENTE)

also known as)

ROCKY,)

Plaintiff,)

v.)

DEMOCRATIC PARTY OF TENNESSEE,)

and)

TRE HARGETT,)

Secretary of State of Tennessee,)

Defendants.)

No. 3:16-cv-00189

Judge Trauger

ORDER

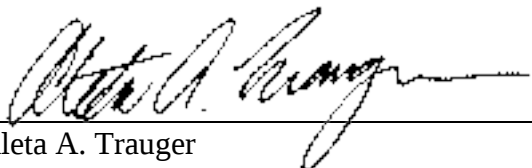
Plaintiff Roque De La Fuente, proceeding *pro se*, has filed a complaint against the Democratic Party of Tennessee and Tre Hargett, Secretary of State of Tennessee, asserting that the defendants violated his right to due process and discriminated against him by failing to include his name on the list of approved candidates to appear on the Tennessee Presidential Preference Primary Ballot on March 1, 2016. (Docket No. 1).

Because the plaintiff, a non-prisoner, paid the full civil filing fee (Docket No. 1), under *Benson v. O'Brian*, 179 F.3d 1014 (6th Cir. 1999), the frivolity screening requirement of 28 U.S.C. § 1915(e)(2) is inapplicable to this action. *Id.* at 1017. Thus, there is no frivolity screening of the instant complaint.

The docket sheet reflects that summons has been issued to both defendants. (Docket No. 2). Pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B), this action is **REFERRED** to the Magistrate Judge for the management of the case, for decisions on all pre-trial, non-dispositive motions, to issue a Report and Recommendation on all dispositive motions, and to conduct further proceedings, if

necessary, pursuant to Rule 72(b), Fed. R. Civ. P., and the Local Rules of Court.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge