

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Roque De La Fuente,)	
)	
Plaintiff,)	Case No. 3:16-cv-00189
v.)	Judge Aleta A. Trauger
)	
Democratic Party of Tennessee, et. Al,)	
)	
Defendants.)	
)	
)	

**DEFENDANT TENNESSEE DEMOCRATIC PARTY'S
RENEWED MOTION TO DISMISS**

The Tennessee Democratic Party (the "TNDP") hereby files this renewed motion to dismiss seeking dismissal of all claims against the TNDP under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. The claims should be dismissed because:

1. This case became moot on March 1, 2016 when the 2016 democratic presidential preference primary election occurred; and
2. The Complaint is void of any wrongdoing by the TNDP.

The TNDP had previously filed a motion to dismiss (Dkt. No. 8) and the Plaintiff attempted to cure the deficiencies set forth in the original motion to dismiss by filing an amended complaint that largely contains the same substantive allegations but now seeks nominal and compensatory damages in lieu of the declaratory relief sought in Plaintiff's original complaint. (*Compare* Complaint, Dkt. No. 1 *with* Amended Complaint, Dkt. No. 14.) Plaintiff has failed to cure the defects in his original complaint. As a result, this Court lacks jurisdiction over this case and/or Plaintiff has failed to state a claim against the TNDP.

In support of this motion, the TNDP relies upon:

1. All pleadings filed to date; and
2. The contemporaneously filed memorandum of law in support of the motion to dismiss.

Submitted this 15th day of April, 2016.

By: /s/ J. Gerard Stranch, IV
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via U.S. Mail and the Court's CM/ECF system, on April 15, 2016, upon:

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/s/ J. Gerard Stranch, IV
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