# IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

**Curtis J Neeley Jr., *et al*,** **Plaintiff(s)**

**CASE NO. 13-cv-5293**

**Federal Communications Commissioners,**
**US Representatives; John Boehner, *et al*,**
**US Senators; Joe Biden, *et al*,**
**US Attorney General, Eric Holder Esq,**
**Microsoft Corporation,**
**Google Inc.** **Defendants**

## BRIEF IN SUPPORT OF MOTION FOR FEDERAL RULES OF CIVIL PROCEDURE RULE 59 OR RULE 60 RELIEF FROM JUDGMENT OR ORDER OR ALTERATION OF IMPROVIDENTLY DONE DOCKETS 13 & 16 OR GRANTING A NEW TRIAL

The Plaintiff, Curtis J Neeley Jr, most humbly and respectfully moves this District Court for relief from the judgment in orders Dkt #12 (*ORDER denying 5 Motion for Recusal and granting 10 Motion to Dismiss. This case is dismissed)* and in Dkt #16 (*ORDER granting 13 Motion to Dismiss and reiterates that this case is dismissed*)per Fed Rules of CP Rule #60 due to mistakes, inadvertence, excusable neglect or other processes covered by Fed Rules of CP Rule #59. The issues are elucidated further herein where each inadvertence warrants vacating Dkt. #12.

## I. GRANTING DOCKET #5 INADVERTENTLY LABELED DENYING

**A)** This Plaintiff did not seek Honorable Jimm Larry Hendren's recusal and thinks Honorable Jimm Larry Hendren is **one of the most appropriates judges** in the United States. This is included specifically in the Dkt #5 "Motion" as follows. This claim remains wholly true now.

> *"...Honorable P. K. Holmes recused leaving this on the docket of perhaps the only justice in the US able to provide a completely fair trial in this Earth impacting communications lawsuit..."*

**B)** This Plaintiff only sought addressing recusal "**on-the-record**" and did not imply desiring the most appropriate judge possible to recuse and Dkt. #6 further clarifies this as follows describing Honorable Jimm Larry Hendren to be a fair and competent judge wearing the blindfold of justice and notes each corporate Defendant has now sought to be heard in Dkt ## (10, 13).

> *"Whereas Curtis J Neeley Jr still believes Honorable Jimm Larry Hendren to be a fair and competent older judge wearing the blindfold of justice as pointed out personally in District Court, Curtis J Neeley Jr, prays Honorable Jimm Larry Hendren consider on-the-record whether recusal is or is not required. If the blindfold of justice remains secure and recusal is not required to preserve fairness, Curtis J Neeley Jr, prays Honorable Jimm Larry Hendren address this unique claim as not violating any prior injunction since this would discourage costly frivolous motions that would surely follow but would not prevent these motions if any Defendant disagrees and wishes to be heard."*

## II. CLAIM IN NO WAY VIOLATES THE INJUNCTION

**A)** This claim does not involve any claim regarding anything "online" addressed in the past in any way. This fact was described in Dkt. #6 by ¶ #11 seen below for what must be the first time.

> *"11. This litigation does not in any way violate the injunction against Curtis J Neeley Jr because it does not involve ANY CLAIM addressed in the past whatsoever. This improper allegation would be sure to be in the first Motion by Google Inc and this Plaintiff prays Honorable Jimm Larry Hendren consider this litigation being violation of the prior injunction as if this claim were brought by Defendants using the Neeley I, II, III, and now Neeley IV or other prejudging title and address this claim and save Defendant's legal costs due to bringing frivolous claims based on res judicata."*

**B)** This District Court recognized privacy is involved in some way but failed to address the criminal communications privacy law this claim is wholly about. Violations of these criminal statutes warrant a jury trial to determine damages because these are incontrovertible crimes seen for Google Inc in exhibit "G". This Plaintiff hoped to avoid the costs of printing these until trial began.

1. The first page of exhibit "G" does not include any morally objectionable material but there are communications being shown illegally thereon that did not exist during *Neeley I – III* in a way not intended. The second and third pages show the manner these graphic declared as "morally objectionable" are NOT DISPLAYED to the anonymous public online until Google Inc violates 18 USC §2511 though Microsoft Corporation obeys in this instance.

2. The fourth page of exhibit "G" shows the criminal violation(s) of Google Inc for other semi-moral artists that return illegally. This morally objectionable material is NOT DISPLAYED "online" to the public as is shown on the fifth page. These criminally intercepted wire communications are displayed to the random public including children of this Plaintiff or any other parent. Perhaps most other artists violated by this organized criminal enterprise by Google Inc are glad this crime is committed. This collusion does not make these less criminal or less damaging to this Plaintiff. The artists allowing this crime to occur are complicit and the Federal Communications Commission should enforce communications privacy laws protecting **common carrier communications** called the internet for disguise in order to avoid regulation.

3. Moral artists take advantage of the "Good Samaritan" process and self-tag their morally challenging artwork to prevent harming random children. Some will delete their morally challenging art like this Plaintiff did after discovering the criminal violations done by Microsoft Corporation or criminal conspirator Google Inc during *Neeley I-III*. It appears no other artists pursue this communications privacy crime in order to enjoy additional exposure. See exhibit "G" pages (4,5) and exhibit "M" pages (3, 4) .

**C)** Microsoft Corporation does not violate this communications privacy law for this Plaintiff's communications. Civil damages should not have been sought by this Plaintiff per 18 U.S.C. §2520 but were by honest mistake. Damages should have been sought from FCC Commissioners for allowing these crimes to harm this Plaintiff and the ability to parent as can be seen in both exhibit "M" and exhibit "G".

## III. CLAIM NOT RECOGNIZED AS ABOUT COMMUNICATIONS

**A)** This District Court briefly mentioned the whole rational for this claim in passing as, "*various claims regarding privacy in wire communications*" and claimed these were, "*essentially identical [to] pro se complaint Neeley v. Federal Communications Commission, et al., Case No. 5:13-mc-66*".

1. It was never said these were banking communications like wiring money or other cable TV wiring communications usually used in with these statutes. All use of the internet is usage of common carrier wire communications combined with usage of airwaves.

2. "*[E]ssentially identical*" is correct like when comparing cucumbers to squash or apples to peaches. These are only inadvertently called identical when comparing apples or peaches to potatoes like comparing *Neeley I-III* to this claim regardless of when realized.

## IV. THIS CLAIM NOT ABOUT WHAT IS shown "ONLINE" BUT HOW

**A)** This District Court, and each corporate Defendant, failed to recognize the clear fact this Plaintiff has almost no concern whatsoever with the most outrageously obscene images returning for searches of "curtis neeley" from ANY website when the searcher is logged-in, responsible, and contactable unless this is done maliciously. This fact remains utterly true today.

1. Free speech is essential for the web to exist as a common carrier and Plaintiff acknowledges this. Free speech can be commonly seen occurring safely at facebook.com or at deviantart.com. Without logging-in; The morally questionable communications generally do not occur due to the "Good Samaritan" protections left to protect anonymous minors by moral people self-tagging their own morally questionable communications.

2. The criminal private communications violations the corporate criminal Defendant competes to do most profitably is showing self-tagged morally questionable art without the tagging that was included by the originator to protect anonymous children.

**B)** Each corporate criminal Defendant could nearly avoid this claim if requiring users of their criminal enterprises or "search engines" be logged-in and contactable.

1. This claim is not about what offensive material is returned but **how this material is returned**. Parents should have the opportunity to be protected by the Federal Communications Commission when children are curious about morally questionable material. Parents should be protected from each corporate criminal Defendant for violating the MANNER morally questionable materials are returned to anonymous children rather than hoping for the contactable logging-in required by moral "Good Samaritan" artists is not bypassed.

2. Yes; Children could log-in when consuming morally questionable material. Parents could then check the communication records instead of the criminal manner this occurs now. Moral artists generally seek to be "Good Samaritans" and require contactable logging-in. Each corporate criminal Defendant intercepts these attempts and claim this artwork is offered in some "*public domain*". This "*Public Domain*" claim, seen repeatedly in Google Inc Dkt. # 14, is a bare fraud every time the "*Public Domain*" term was used in this Brief seen using only the standard definition found in any legal dictionary.

## V. CLAIM AGAINST CONGRESS NOT CONSIDERED

**A)** Plaintiff timidly points out that as a result of the ruling called fair in Dkt # 7 at the conclusion of *Curtis J Neeley, Jr. v. NameMedia, Inc., et al.*, Case No. 5:09-cv-5151-JLH ("*Neeley I*") there is a clear constitutional claim against Congress for not protecting the Plaintiff's personal moral rights as an author and this is further grounded by the *Holder,* (10-545) assertion that Congress intended "*unstinting*" Berne Convention compliance including Article 6*bis*. A portion of ignored Dkt #7 follows.

> *"...completely fair judicial service including the recent ruling that 17 U.S.C. §106A does not protect [sic] "online". This fair ruling was obviously due to Congress attempting to back into artist's moral rights without recognizing the centuries of misspelled copy[rite] laws in US Title 17 since 1790."*

**B)** Congress and the FCC were faulted in this complicated complaint for failing to clarify the Communications Decency Act of 1995 so that 47 USC §230(c)(1) was not interpreted by District, Appellate, and the Supreme Court to protect indecency rather than the "Good Samaritans" intended.

Whereas this Plaintiff is very pro se in this claim and trusts Honorable Jimm Larry Hendren to vacate the inopportunely done orders of Dkt. ##(12, 16); Plaintiff Trusts Honorable Jimm Larry Hendren not to be personally biased towards this Plaintiff based on improper tenor in the past that will never again occur. Honorable Jimm Larry Hendren understands punishment needed for criminal immoral wire communications, though generally called open Internet, far better than most people in the United States regardless of age when these (wire communications) are used for morally questionable activities like child pornography.

This Plaintiff appreciates the kindness demonstrated by each Counselor seeking dismissal because sanctions were graciously not requested, thus far. These motions both were quickly opposed. Regardless; This action will remain publicly accessible by wire broadcasting perpetually just like the $100 fine sought from Susan B Anthony for voting while female remains uncollected perpetually. This Plaintiff has little faith in justice from the culturally out-of-date Eighth Circuit Court of Appeals and believes the Supreme Court is both culturally out-of-date and most justices should be impeached for the *Citizens United* mistake and pending *McCucheon* ruling showing bad behavior by giving the legal construct of corporations human rights and calling campaign donations speech that should be protected by the First Amendment.

This Plaintiff will not appeal this hopefully inadvertent order determination to ANY court and humbly prays Honorable Jimm Larry Hendren vacates Dkt ##(12 16) as inopportune orders granting Motions not yet opposed or served due to confusing this complicated and poorly done claim with *Neeley v. Federal Communications Commission, et al.*, Case No. (5:13-mc-66) or failing to read the request to consider recusing on-the-record. In the alternative, Plaintiff prays for dismissal of only Microsoft Corporation and Google Inc only and allowing this claim to proceed to trial after amended to personally include each Federal Communications Commissioner, 3rd AR District Representative Steve Womack, AR Senator Mark Pryor, and future Senate Candidate or current 2nd AR District Representative Tom Cotton. These are all included now only by reference.

Dismissing this claim will give this dismissal its own legacy and be accessible perpetually online and be studied in law schools from now on. *See* TheEndofPornbyWire.org/docket This mentally disabled pro se Plaintiff will accept this as grotesque injustice left perpetually visible exactly like having no legs. Other parents or teachers will repeat this claim in other jurisdictions where this type communications privacy complaint is not compared to prior complaints done with improper tenor resulting in the end of the wholly immoral "open internet". Plaintiff reiterates the fact that there will be no appeal of any District decision.

Most Respectfully Submitted,

Curtis J Neeley Jr.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703
4792634795

# IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

**Curtis J Neeley Jr., *et al*,** **Plaintiff(s)**

**CASE NO. 13-cv-5293**

**Federal Communications Commissioners,**
**US Representatives; John Boehner, *et al*,**
**US Senators; Joe Biden, *et al*,**
**US Attorney General, Eric Holder Esq,** **Defendants**
**Microsoft Corporation,**
**Google Inc.**

# CERTIFICATE OF SERVICE

**NOTICE OF PERMANENT PUBLIC SERVICE OF THIS COMPLAINT AND FREE PERMANENT PUBLIC MIRROR OF THE PACER ARWD DOCKET**

1. This litigation will effect the future of [sic] "online" for the entire Earth and will remain accessible perpetually by simultaneous wire and radio broadcasting from the following two URLs. This is the easiest and most fair method to make this accessible to every US Senator, every US Representative, and every Federal Communications Commission Commissioner while accessible to all US citizens at the same time with the complaint broadcast in all common text file formats. Curtis J Neeley Jr swears and affirms under penalty of perjury that today January 17, 2014 this will be scanned and made accessible by the ARWD Court Clerk and be mirrored freely to each Defendant as well as the public.

# A. TheEndofPornbyWire.org

# B. TheEndofPornbyWire.org/docket

Most Respectfully Submitted,
Curtis J Neeley Jr.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703
4792634795