

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

No. 13-5293

FEDERAL COMMUNICATIONS COMMISSIONERS;
U.S. REPRESENTATIVES; JOHN BOEHNER, et al.;
U.S. SENATORS; JOE BIDEN, et al.;
U.S. ATTORNEY GENERAL, ERIC HOLDER ESQ.;
MICROSOFT CORPORATION; and GOOGLE INC.

DEFENDANTS

O R D E R

Now on this 5th day of February 2014, comes on for consideration plaintiff's **Motion for Federal Rules of Civil Procedure Rule 59 or Rule 60 Relief** (document #17) and **Amended Motion for Federal Rules of Civil Procedure Rule 59 or Rule 60 Relief** (document #20). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On December 16, 2013, plaintiff filed a pro se complaint in blatant disobedience to two previous orders of this Court, namely:

* Order, dated February 15, 2013, Case No. 5:12-cv-5208, document #58 (enjoining plaintiff from filing any motions, pleadings, or pro se complaints related to events previously litigated without first obtaining the permission of the Court); and

* Order, dated November 14, 2013, Case No. 5:13-mc-66, document #3 (denying leave to file a pro se complaint that related

to events previously litigated).

The December 16, 2013 complaint was identical to the proposed complaint plaintiff sought to file in Case No. 5:13-mc-66, with the exception of a few words and phrases and minor alterations of paragraph arrangement -- none of which affected the substance of the document.

2. On January 15 and 16, 2014, the Court entered Orders dismissing this complaint as a violation of the Court's previous Orders. The January 15 Order also denied plaintiff's motion asking the undersigned judge to consider recusing.

3. Plaintiff now seeks relief from those orders under either Rule 59 or Rule 60, both of which contemplate methods of reconsideration. Essentially, plaintiff insists that his complaint does not violate the injunction, and he suggests that the Court either failed to read or misread his arguments.

4. Whether considered under **Fed. R. Civ. P. 59** or **60**, a motion for reconsideration is not a vehicle for merely rearguing the merits. **Broadway v. Norris, 193 F.3d 987, 990 (8th Cir. 1999)**. Nor can it be used to raise new arguments that could have been raised prior to the issuance of a final order. **Hagerman v. Yukon Energy Corp., 839 F.2d 407, 414 (8th Cir. 1988)**.

5. Most of plaintiff's arguments in the instant motion are repetitious of arguments he has already made in this and previous proceedings. What plaintiff apparently does not understand is that

the Court has already thoroughly considered whether the pro se complaint at issue in this case should be filed -- and the Court determined that it should not be filed, as it violates the injunction issued in Case No. 5:12-cv-5208. Plaintiff has failed to demonstrate any mistake, omission, or other error in that decision that would warrant relief from the final order.

6. As for plaintiff's request that the Court reconsider its denial of his motion asking the undersigned to consider recusing, it appears plaintiff merely wants to engage in a battle of semantics. He insists that he did not ask the undersigned to recuse, but only to consider recusing. Either way, the matter is a non-issue, as the case is closed.

IT IS THEREFORE ORDERED that plaintiff's **Motion for Federal Rules of Civil Procedure Rule 59 or Rule 60 Relief** (document #17) and **Amended Motion for Federal Rules of Civil Procedure Rule 59 or Rule 60 Relief** (document #20) are hereby **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE