

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 7th day of March 2014, comes on for consideration plaintiff's **Rule 60(b) Motion for Reconsideration of the Mistakes in Dockets 12, 16, & 22** (document #23). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On January 15 and 16, 2014, the Court entered Orders dismissing this complaint because it violated an injunction barring plaintiff from filing any motions, pleadings, or pro se complaints related to events previously litigated without first obtaining the permission of the Court.

2. Following dismissal, plaintiff sought reconsideration based on Federal Civil Procedure Rules 59 and 60. His motion was denied.

3. In the present motion, plaintiff again seeks reconsideration of the matter pursuant to Rule 60(b). He contends that the Court's orders dismissing the case and denying

reconsideration were based on some mistake, inadvertence, surprise, or excusable neglect on the part of the Court and that the motions to dismiss should have been treated as motions for summary judgment. Plaintiff further contends that the claims he raised in the complaint were not related to events previously litigated, and thus, the filing of the complaint did not violate the injunction.

4. Plaintiff cites no authority to support his contention that the motions to dismiss should have been treated as motions for summary judgment. Nevertheless, the Court notes that both standards require some deference to the non-moving party, including the benefit of all inferences which reasonably may be drawn. In this case, as explained below, giving such deference to plaintiff does not change the fact that his complaint violated the injunction.

5. Plaintiff appears to allege that the "mistake" the Court made was finding that the complaint was related to events previously litigated. The Court has reviewed the complaint in this case in side-by-side comparison with the Second Amended Complaint in Neeley v. Federal Communications Commission, et al., Case No. 5:12-cv-5208 (document #53-3). The claims contained therein are identical in almost every respect.

To the extent plaintiff seeks relief on behalf of "some random other artists," as stated in his motion, plaintiff lacks

standing to do so.

IT IS THEREFORE ORDERED that plaintiff's **Rule 60(b) Motion for Reconsideration of the Mistakes in Dockets 12, 16, & 22** (document #23) is hereby **denied**.

IT IS SO ORDERED.

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