IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA **Plaintiff**

v

CASE NO. 12-05074

NameMedia Inc,
Google Inc,
Microsoft Corporation, **Defendants**
Federal Communications Commission,
The United States.

BRIEF SUPPORTING MOTION TO PROCEED *IN FORMA PAUPERIS*

Comes now Plaintiff, Curtis J Neeley Jr., MFA, and states that Neeley does not oppose shortening of the time period for filing Rule 11 Motions seeking sanctions and advises that Rule 11 Sanctions are inappropriate. This response is given prior to having been served with any of the Motions by regular mail and demonstrates the fact that electronic service of documents to this *pro se* plaintiff is sufficient.

1. Defendant Google Inc cited case law that is not marginally applicable. Following quote from Dkt 9 contradicts its own use and this error is highlighted.

> "'[A]n action is frivolous if it 'lacks an arguable basis either in law or in fact.'" *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Further, "[a]n action is malicious if it is undertaken for the purpose of harassing the named defendants and not for **the purpose of vindicating a cognizable right**." *Spencer v. Rhodes*, 656 F. Supp. 458, 461-463 (E.D.N.C. 1987)."

2. The following claim is wrong on its face and was formerly used to mislead this Court and is yet seen again used by Defendant Google Inc Dkt 9.

> "'Creative Commons' license that expressly allows anyone to reproduce them as long as they are attributed to him *and* because his steadfast refusal to register copyrights absolutely bars suit"

3. This is not a copy[rite] complaint and the authors' rights now sought exist in hundreds of countries and were recognized to be cognizant in the United States in *Golan v Holder*, (10-545)

4. Issue preclusion claim for the catch-all tort of "outrage" does support preclusion of the individual rights claims now brought in this complaint. The issues of libel and violations of exclusive authors' rights to control original creations and protect against privacy violations were not addressed in the least by the outrage claim. The images presented by NameMedia Inc that were once displayed at photo.net to adults by choice were then presented against the authors' exclusive rights.

5. These images were displayed to minors and the anonymous by NameMedia Inc on <photo.net> for some unknown time[1] and by conspiring with Defendant Google Inc to do the same for the same unknown time.

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[1] This time of the revision to the "Terms of Use" after the purchase of <photo.net> from Phillip Greenspan and alteration of site policy is an issue for trial. Neeley was prevented from removing "contributed" nude art by NameMedia Inc.

6. The donations to Wikipedia Foundation were utterly irrelevant during the evidentiary hearing and are irrelevant now though again resurrected in Dkt 9 quoted above.

7 The Wikipedia Foundation images are reattributed and the "Creative Commons" license allows attribution to be controlled.

8. The prior deceptions of the Magistrate Judge now considering this case were not litigations of the issue of pursuit of exclusive authors' rights. Nothing but outrage is precluded in any way now despite the threat and now responses seeking Rule 11 sanctions or denial of *in forma pauperis* status.

9. Searches for "*curtis neeley site:deviantart.com*" at Google Inc image search on April 24, 2012 returned three nudes of the seven nudes that were displayed by Neeley at <deviantart.com>. These nude images were not shown on the site except to logged-in adult site members desiring to see nudity.

10. These nude images were not licensed with a "Creative Commons" license and yet Google Inc asserts the entire wire network called "*the Internet*" is released to the "*Public Domain*" despite *Golan v Holder*, (10-545).

11. The adult filtration described above was once done at <photo.net> until purchased by NameMedia Inc. There are also twelve of the twenty-nine non-nude images and all six of the graphic design pieces at <deviantart.com>.

12. Every nude image done by Neeley was deleted from <deviantart.com> and <redbubble.com> on April 18, 2012 due to Defendant Google Inc bypassing adult filtration and by the author's exclusive choice.

19. Searches for "*curtis neeley site:redbubble.com*" at Google Inc image search did not bypass adult filtration to display nudes done by Neeley though there were thirteen filtered nude images there yet returns thirteen non-nude pieces of visual art.

20. It is a matter for discovery as to when the <photo.net> searches began returning nudes done by Neeley until the January 2010 deletion by NameMedia Inc and a matter for discovery as to why the <redbubble.com> Google Inc site searches no longer violate the Constitutional right to exclusive control of original art.

21. This unprotected cognizant right was authorized in the Constitution[2] in 1787 and now is the demanded human RIGHT. This demanded individual RIGHT is not frivolous but is not yet supported by current United States law.

22 The **unprotected human right** is why the United States and the Federal Communications Commission are named defendants.

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[2] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

23. Current searches for "*curtis neeley site:photo.net*" at Google Inc image search returns **no nudes done by Neeley** yet returns two non-nude pieces of visual art. It is a matter for discovery and for trial as to why the <photo.net> searches returned Neeley's nude photos in searches and at what date these began being shown to minors.

24. The libelous actions were unquestionably done from July 22, 2009 to January 26, 2010 though demanded to be stopped repeatedly. Neeley could not delete these nude images once contributed to <photo.net> and prevention of this deletion initiated this complaint in contrast to the prior and current deceptions of the Magistrate Judge.

24. Outrage is not often a favored catch-all claim. The libel claim was never litigated whatsoever. Violations of privacy were never addressed in the least. The exclusive rights of authors were not pursued though secured in the Constitution since 1787.

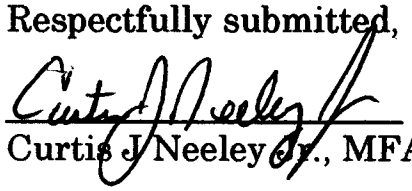
25. Current image searches of "*curtis neeley site:wikipedia.org*" return **no nude images done by Neeley** yet return one notable art image and one image of Neeley's wrecked car from 2002.

26. Current image searches for "*figurenude site:wikipedia.org*" return three nudes done by Neeley yet this manner of attribution does not libel Neeley.

26. Current image searches at Google Inc for "*curtis neeley*" on March 30, 2012 **return no nudes by Neeley on pages from 1-48** and this should not have required an insane amount of work. This will not for other authors after recognition of exclusive authors' rights by ALL search engines and the United States.

Whereas this complaint is brought by a pauper seeking to proceed without paying initial costs and require the United States to finally recognize Authors' rights listed in the Constitution as human rights not yet protected by statute; Curtis J Neeley Jr., MFA prays the motion to proceed *in forma pauperis* be granted and service of the summons be done.

Respectfully submitted,



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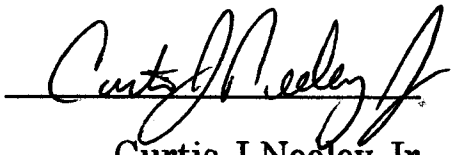
Curtis J Neeley Jr., MFA

Certificate of Service

I, Curtis J Neeley Jr, certify that on this 30th day of April 2012, I served a copy of the foregoing electronically on the NameMedia Inc counselor Brooks C White Esq and Defendant Google Inc counselor Jennifer Haltom Doan Esq. This is stated under penalty of perjury.



Curtis J Neeley Jr