

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

JUL 03 2012

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

SHIRLEY JOHNSON, CLERK

DEPUTY CLERK

**Curtis J Neeley Jr., MFA**

**Plaintiff**

v

**CASE NO. 12-05074**

**NameMedia Inc,**

**Google Inc,**

**Microsoft Corporation,**

**Federal Communications Commission,**

**The United States.**

**Defendants**

**BRIEF SUPPORTING MOTION  
SEEKING RULE 11 SANCTIONS**

Comes now Plaintiff, Curtis J Neeley Jr., MFA, and begs the Western District of Arkansas Court to issue sanctions to Joshua Reed Thane jointly with Haltom and Doan LLC per FRCP Rule 11(b) and thereby encouraging the perception that honesty is required for those within the legal profession.

The abundant instances of unquestionable dishonesty were not corrected or withdrawn after advised the deceptions would be brought clearly to the attention of the District Court are listed herein and as attached.

This Supporting Brief for Rule 11 Sanctions attempts to prevent these deceptions from being treated as anything besides the falsehoods these deceptions are as should herein be obvious.

Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

**FRCP Rule 11(b)(1)**

The opposition of Docket 9 was presented for the improper purposes of harassing, causing unnecessary delays, and needlessly increasing the costs for litigation of this action.

**FRCP Rule 11(b)(2)**

The claims, defenses, and other legal contentions are NOT warranted by existing law or by any non-frivolous arguments for extending, modifying, or reversing existing law or for establishing new law. These claims are bare frauds.

**FRCP Rule 11(b)(3)**

The factual contentions made in Docket 9 by Joshua Reed Thane Esq have absolutely no evidentiary support and, indeed, have no evidentiary support after YEARS of reasonable opportunities for investigation or discovery.

### **FRCP Rule 11(b)(4)**

The fraudulent contentions are NOT warranted on the evidence and were NOT reasonably stated to be forwarded based on solely a belief or lack of information.

1. Joshua Reed Thane Esq referred to this litigation as a “game” and this tenor or terminology is inappropriate for United States Court for the Western District of Arkansas and indicates the “evil” tone of maliciousness seen as follows.

“...Mr. Neeley’s games should be brought to a halt through this Court’s inherent power to review and dismiss frivolous or malicious *in forma pauperis* proceedings...”

2. Joshua Reed Thane Esq referred to this litigation procedure as a “*fued*”. Again; This terminology is inappropriate for United States Court for the Western District of Arkansas and further indicates the “evil” tone required for findings of maliciousness.

“...he merely seeks to initiate another round in his obsessive feud...”

3. Joshua Reed Thane Esq referred to this litigation as harassment and mentioned grievances that were otherwise private and that are resolved and are private. These were neither frivolous grievances nor settled adverse to Neeley's

claims. One produced an apology from one Google Inc counselor and claims of not being aware of obviously contradicting facts by another Google Inc counselor. This malicious publication violating privacy of Arkansas Supreme Court, Office of Professional Conduct actions follows.

Further evidence of Mr. Neeley's harassment is apparent through the multiple frivolous grievances Mr. Neeley has filed with the Arkansas Supreme Court Office of Professional Conduct against Google's outside counsel.

4. Joshua Reed Thane Esq failed make even a cursory inquiry before alleging incorrect information and beliefs, formed hastily and without reasonable inquiry under the present circumstances where Google Inc claims to spend hundreds of thousands already. One egregious example is quoted as follows.

"...to locate photographs that Mr. Neeley initially and intentionally placed on the internet himself, and now refuses to withdraw..."

This egregious error or blatant fraud demonstrates not considering facts that have been communicated hundreds of times and are available to the public by 47 USC §153 "wire communications". Wire communications are disguised as "the Internet" and were mistakenly called a new medium due to changes in culture and technology.

Evidence of the absurd claims or FRAUDs are listed in Exhibit A attached concurrently to keep this brief manageable in length. Neeley did NOT place most of these nudes "on the internet" as is obvious reading the complaint or Exhibit A.

5. Joshua Reed Thane Esq attempted to mislead the United States District Court additionally by entering the following false claims.

"...frivolous *both* because Mr. Neeley published his works subject to a "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..."

**This claim does not include [sic] "copyright" AT ALL.** The Creative Commons license allows and even requires **attribution in the manner SPECIFIED** as as can be seen in Exhibit A.

6. Joshua Reed Thane Esq then concluded by calling this United States District Court "a game" as follows.

"This Court should not allow Mr. Neeley to play this game again."

7. Joshua Reed Thane Esq ignored or did not recognize the United States and the Federal Communications Commission being named as defendants or the claim of Google Inc scanning a library book in New York and republishing three additional nudes by Neeley while facing Neeley in District Court for inappropriate publication of Neeley's nude images before minors. Joshua Reed Thane Esq had not completed high school when Neeley began using wire communications that were later disguised as "the Internet" seeking adult feedback and should not continue representing Google Inc in this action.

8. This action will resolve following a motion for Summary Judgment leaving damages to be determined by a jury since there remains absolutely no questions regarding the violations of individual artist rights to original creations by Microsoft Corporation and Google Inc as well as failure to regulate "wire communications" by the Federal Communications Commission. Congress has never protected the exclusive rights of authors or inventors to control creation for a limited time as provided for in the Constitution. These claims were ignored entirely by Joshua Reed Thane Esq.

9. FCC Decency regulation was allowed one rational for being done by *FCC v Pacifica Foundation*, (1978). This rational was never the exclusive rational set by Congress. The claim of decades of malfeasance by the Federal Communications Commission in this complaint was overlooked by 2007 TX Bar examinee #1777 Joshua Reed Thane Esq perhaps due to this malfeasance lasting

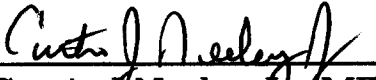
since 1991 or before. This was before Sergey Brin started the "back-link" non-submission/submission process that came to be Google Inc and was before Joshua Reed Thane Esq had finished with high school. Joshua Reed Thane grew up with Federal Communications Commission malfeasance treating the Internet as an unregulated "*wholly new medium*" in error and probably believes there is a "right" to look at nude images anonymously by simultaneous wire and radio communications. There should not be after the FCC begins protecting interstate and world-wide wire communications or executing the simple mission listed in 47 USC §151.

Whereas; The rational whereby the legal profession will be soiled or be tarnished by Joshua Reed Thane Esq should now be clear considering Docket #9. The District Court should enter a Show Cause Order requiring Joshua Reed Thane Esq, Michael Henry Page Esq, Haltom and Doan LLC, and Durie Tangri LLC to explain why monetary sanctions should not now be sought. This Motion for Rule 11 Sanctions is not related to the motion to proceed *en forma pauperis* except the FRAUDS by Joshua Reed Thane Esq deceptively opposed this motion. Monetary sanctions should not be used to offset filing fees.

This Motion for Rule 11 Sanctions does not leave the honor and integrity of United States Courts dependent on *sua sponte* orders.

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479-263-4795  
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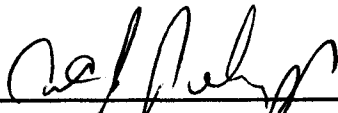
Respectfully submitted,

  
Curtis J. Neeley Jr. MFA



## Certificate of Service

I, Curtis J Neeley Jr, certify that on this 3<sup>rd</sup> day of July 2012, I served a copy of the foregoing electronically on the Defendant Google Inc counselor Jennifer Haltom Doan Esq, Defendant Google Inc counselor Joshua Reed Thane Esq, and Defendant Google Inc counselor Michael Henry Page Esq. This is online with "live" links on exhibits at <open-salon/blog/curtisneeley> and <curtisneeley.com/5\_12-05074/5\_12-5074.html>.

  
Curtis J Neeley Jr

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All nude images licensed to Wikipedia Foundation  
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You are free:

- **to share** – to copy, distribute and transmit the work
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Under the following conditions:

- **attribution** – You must attribute the work **in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work)**.

**With the understanding that:**

- **Waiver** — Any of the above conditions can be waived if you get permission from the copyright holder.
- **Public Domain** — Where the work or any of its elements is in the public domain under applicable law, that status is in no way affected by the license.
- **Other Rights** — In no way are any of the following rights affected by the license:
  - Your fair dealing or fair use rights, or other applicable copyright exceptions and limitations;
  - The author's moral rights;
  - Rights other persons may have either in the work itself or in how the work is used, such as publicity or privacy rights.

## EXHIBIT A

# EXHIBIT A

## What are "Moral Rights"?

In addition to the right of licensors to request removal of their name from the work when used in a derivative or collective they don't like, copyright laws in most jurisdictions around the world (with the notable exception of the US except in very limited circumstances) grant creators "moral rights" which may provide some redress if a derivative work represents a "derogatory treatment" of the licensor's work.

Moral rights do not exist in the United States but are alleged to exist protected by various other "unnamed civil laws" by Congress and this was noted by the Supreme Court in *Golan v Holder* (10-545).

**FRAUD Mr. Neeley initially and intentionally placed on the internet himself, and now refuses to withdraw. FRAUD**

# EXHIBIT A

1. "curtis neeley site:artnude.pp.ru" This search at Google Inc images results in ZERO images by Neeley though there were initially 91. These nude images were placed by an unknown Russian fan and were deleted after the domain name registrant and the site advertisers were advised in Russian.
2. "curtis neeley site:blurb.com" This search returns ZERO nude images by Neeley yet returned one previously before the book "*Smaller Figurenude Photographs*" was WITHDRAWN from blurb.com. Google Inc counselor Joshua Reed Thane was advised repeatedly of this.
3. "curtis neeley site:blogspot.com" This search at Google Inc images results in numerous non-nude images by Neeley though there were initially ZERO. This was done to saturate Google Inc "curtis neeley" searches with non-nudes.
4. "curtis neeley site:creative-nude.net" This search at Google Inc images resulted in numerous nude images not by Neeley in "curtis neeley" unrestricted image searches before WITHDRAWAL of the link using the text "curtis neeley" on this domain. There remains twenty nude images not by Neeley associated with these searches despite no §230 rational. Google Inc counselor Joshua Reed Thane was advised repeatedly.
5. "curtis neeley site:deviantart.com" This search at Google Inc images results in numerous non-nude images by Neeley though there were initially six nude images after bypassing adult filtration done at deviantart.com. Google Inc counselor Joshua Reed Thane was advised repeatedly.
6. "curtis neeley site:free.fr" This search returns ZERO nude images by Neeley yet returns 115 examples of images that violate Neeley's privacy by returning and alleging some association that has been removed by the French BLOG owner after requested by Neeley. This resulted in one nude by Neeley

**EXHIBIT A**

**FRAUD Mr. Neeley initially and intentionally placed on the internet himself, and now refuses to withdraw. FRAUD**

being removed by specific request. Google Inc counselor Joshua Reed Thane was advised repeatedly.

7. "curtis neeley site:google.com" This search returns ZERO nude images by Neeley yet returned 20 nude images by Neeley that were collected by Google+ user Darya\_Anokhina that was removed, deleted or withdrawn after this was requested by Neeley and Google Inc counselor Joshua Reed Thane was advised repeatedly.

8. "curtis neeley site:groupf16.org" This search returns ZERO nude images by Neeley yet returns 86 examples of non-nudes that was done to saturate Google Inc image searches with non-nudes.

9. "curtis neeley site:lulu.com" This search returns one nude image due to Neeley formerly publishing a book of nudes at lulu.com but this book has been withdrawn and is no longer available at lulu.com and there is no valid §230 page to link to and Google Inc counselor Joshua Reed Thane has been advised repeatedly.

10. "curtis neeley site:michelle7.com" This search returns one nude image by Neeley and 14 others that violate the privacy of Neeley due to Jack Gilbert, the website owner, being advised and former alteration of this location. The old version reverted to display the old nude but will again be removed or withdrawn counter to Google Inc counselor Joshua Reed Thane claims after being advised repeatedly.

11. "curtis neeley site:michelle7-erotica.com" This search returns ZERO nude images by Neeley yet formerly returned nude examples until Jack Gilbert, the website owner, was advised to withdraw these and after this resulted in removal or withdrawal of these nudes counter to Google Inc counselor Joshua Reed Thane claims after being advised repeatedly.

12. "curtis neeley site:nudeartcollection.com" This search returns ZERO nude images by Neeley yet formerly returned nude examples until the Norwegian website owner who posted these was advised to withdraw these and after this resulted in removal or withdrawal of these nudes counter to Google Inc counselor Joshua Reed Thane claims after being advised repeatedly.

**2 EXHIBIT A**

**FRAUD Mr. Neeley initially and intentionally placed on the internet himself, and now refuses to withdraw. FRAUD**

13. "curtis neeley site:redbubble.com" This search returns ZERO nude images by Neeley yet returns 23 non-nude examples. This search formerly returned about 20 nudes after bypassing adult filtration though these were withdrawn from publication and Google Inc counselor Joshua Reed Thane was advised repeatedly.

14. "curtis neeley site:sexblognews.com" This Google Inc image search returns no nude images by Neeley though returning one before the outdated cache request of Neeley as well as adult filtration of the nude by Neeley that is no longer bypassed. Neeley NEVER placed these nudes on this simultaneous Internet venue of wire and radio communications.

15. "curtis neeley site:veraroberts.wordpress.com" This Google Inc image search returns ZERO nude images by Neeley yet returned one example posted initially by Ms Roberts before Vera Roberts was contacted and asked to remove the text "curtis neeley" from the BLOG. Ms Roberts replied and deleted or WITHDREW usage of the nude image by Neeley. Despite being made aware of this withdrawal request and Ms Roberts ceasing to use this nude image, this returned as recently as July 1, 2012. Google Inc counselor Joshua Reed Thane was advised repeatedly of this request and the results.

16. "curtis neeley site:weblog.com.pt" This Google Inc image search returns one nude by Neeley and hundreds of images that violate Neeley's rights to privacy despite no §230 page linked to ANY of these results. This BLOG was posted by a Portuguese user and was contacted repeatedly in Portuguese along with the host of the site and the host's other clients. Neeley was advised that the Portuguese BLOG owner could not be located and this entire BLOG has been DELETED as would qualify as withdrawn. Google Inc counselor Joshua Reed Thane was advised repeatedly of each of these request and the results.

17. "curtis neeley site:thenewnude.com" This Google Inc image search returns no nudes by Neeley currently but returned very many at one time before these were all withdrawn. Google Inc counselor Joshua Reed Thane was advised repeatedly of these request and the results.

18. "curtis neeley site:communityzoe.com" This Google Inc image search returns no nudes by Neeley currently but returned very many at one time before these were all withdrawn. Google Inc counselor Joshua Reed Thane was advised repeatedly of these request and the results.

**EXHIBIT A**

**FRAUD Mr. Neeley initially and intentionally placed on the internet himself, and now refuses to withdraw. FRAUD**

Whereas; Herein are several examples of attempts by Neeley to mitigate damages due to Google Inc violations, the dishonesty of Joshua Reed Thane in Docket 9 is proven and the past advisements were all documented publicly at [open.salon.com/blog/curtisneeley](http://open.salon.com/blog/curtisneeley) over the last three years.

The frauds told by Joshua Reed Thane in docket 9 are proven to be fraudulent with absolutely no question. Sanctions should now be levied on Joshua Reed Thane as well as the law firm Haltom and Doan and Michael Henry Page Esq for allowing another counselor's name to be entered on these frauds with no protest as well as the Durie Tangri law firm. Each Counselor at each firm was notified repeatedly with no resulting withdrawal of these fraudulent claims. This could be interpreted as reassertion of these fraudulent claims or attempting to add the strength of one "noted" counselor and two firms to these bare wire frauds.

**4 EXHIBIT A**

# Exhibit A

Help with:

[Reincluding content in search](#)

[Keeping personal information out of Google](#)

[SafeSearch / Adult content](#)

[Help center](#)

Use this page to request removal of a page or site from Google's search results. (Not all requests are successful. [Here's why.](#))

1-47 of 47

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# Exhibit A



# Exhibit A

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# Exhibit A

# Exhibit A

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# Exhibit A

# Exhibit A

<u>URL</u>	<u>Status</u>	<u>Removal Type</u>	<u>Requested</u>
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<input type="checkbox"/> <a href="http://mjang.free.fr/">http://mjang.free.fr/</a>	<b>Denied</b> <a href="#">Learn more</a>	Outdated cache removal Search terms: curtis neeley	Jun 17, 2012
<input type="checkbox"/> <a href="http://www.lulu.com/browse/search.php?fSearch=&amp;fKeywords=fine+art&amp;fSearchData%5BfKeywords%5D=fine+art&amp;reviewsFilter=&amp;publishDate=&amp;fSort=&amp;fListingClass=0&amp;fListingCategory=&amp;showingSubPanels=&amp;fPageNumber=2">http://www.lulu.com/browse/search.php?fSearch=&amp;fKeywords=fine+art&amp;fSearchData%5BfKeywords%5D=fine+art&amp;reviewsFilter=&amp;publishDate=&amp;fSort=&amp;fListingClass=0&amp;fListingCategory=&amp;showingSubPanels=&amp;fPageNumber=2</a>	Removed	Outdated cache removal Search terms: curtis neeley	Jun 17, 2012
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<input type="checkbox"/> <a href="http://zola1861.free.fr/links_p02/CurtisNeeley.jpg">http://zola1861.free.fr/links_p02/CurtisNeeley.jpg</a>	Removed	Outdated page removal	Jun 16, 2012
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<input type="checkbox"/> <a href="http://xupacabras.weblog.com.pt/arquivo/darkness.jpg">http://xupacabras.weblog.com.pt/arquivo/darkness.jpg</a>	<b>Denied</b> <a href="#">Learn more</a>	Outdated cache removal Search terms: curtis neeley	Jun 16, 2012

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<input type="checkbox"/> <a href="http://www.curtisneeley.com/curtisneeley.com">http://www.curtisneeley.com/curtisneeley.com</a>	Expired	Directory removal	Dec 15, 2011
<input type="checkbox"/> <a href="http://www.curtisneeley.com/http://www.curtisneeley.com">http://www.curtisneeley.com/http://www.curtisneeley.com</a>	Expired	Directory removal	Dec 15, 2011

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