

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

APR 25 2012

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

**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,
Federal Communications Commission,
The United States.**

Defendants

**RESPONSE TO MOTION TO SHORTEN TIME FOR
FILING AND FOR SEEKING RULE 11 SANCTIONS**

Comes Plaintiff, Curtis J Neeley Jr., MFA, and states that Neeley has conferred with NameMedia Inc counsel and attempted to resolve the issue without involving the court per LR 7.2(g). Neeley does not oppose shortening of the time period for filing Rule 11 Motions seeking sanctions and advises that Rule 11 Sanctions are utterly inappropriate and offensive. 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. The *Stilley v James* case cited as relevant case law is, in fact, not relevant. The issue preclusion prong of the same issue test and none of the other three prongs support preclusion. The issues of libel and violations of exclusive authors' rights to control original creations and protect against privacy violation were not addressed in the least by the outrage claim or the contention that Neeley could once remove the images presented by NameMedia Inc that were once displayed at photo.net to adults by choice.

2. These images were displayed to minors and the anonymous by NameMedia Inc on <photo.net> for some unknown time¹ and by conspiring with Defendant Google Inc to do the same for the same unknown time.

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.

3. The donations to Wikipedia Foundation were utterly irrelevant during the evidentiary hearing. The prior deceptions of the Magistrate Judge 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 motion to seek Rule 11 sanctions.

4. Current searches for "*curtis neeley site:deviantart.com*" at Google Inc image search on April 24, 2012 returned three nudes of the seven done by Neeley at <deviantart.com> that are not shown on the site except to logged in adult site members and this type filtration was once done at <photo.net> until purchased by NameMedia Inc. There are also twelve of the twenty-nine non-nude art pieces and all six of the graphic design pieces at <deviantart.com>.

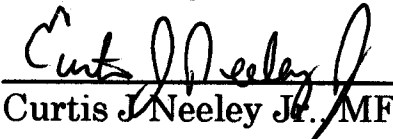
5. Current searches for "*curtis neeley site:redbubble.com*" at Google Inc image search returns no nudes done by Neeley yet returns thirteen non-nude pieces of visual art. It is a matter for discovery as to when the <photo.net> searches began returning nudes done by Neeley until the January 2010 deletion by NameMedia Inc and a matter for discovery as to why the <redbubble.com> site searches no longer violate the Constitutional right to exclusive control of original art. This right was authorized in the Constitution² in 1787 and now is now demanded. This demanded individual right is not frivolous but is not supported by current United States law. The unprotected human right is why the United States and the Federal Communications Commission are named defendants.

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.

6. 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. The libelous action was unquestionably done from July 22, 2009 to January 26, 2010 though demanded to be stopped repeatedly. Neeley could not delete these nude images that were formerly contributed to <photo.net> and prevention of this deletion initiated this complaint in contrast to the deceptions of the Magistrate Judge. Outrage is not a favored claim. The libel claim was never litigated whatsoever. Violations of privacy were never addressed nor were the exclusive rights of authors pursued though secured in the Constitution since 1787.

Whereas this is response to the motion for Rule 11 sanctions and the seeking to reduce time for filing said motion; Neeley prays the court access monetary sanctions against NameMedia Inc to offset the costs of filing this action instead of requiring this action to continue IFP and instead of providing further unwarranted encouragement of NameMedia Inc contrary to the rule of law. This response does not address any issue besides the NameMedia Inc motion for Rule 11 sanctions and was not served except electronically to the NameMedia Inc counselor and prior counselors for (5:09-cv-05151) who may or may not also represent Google Inc in (5:12-cv-05074). This response asks that the Court now permit filing of the threatened Motion Seeking Rule 11 Sanctions because Neeley will not cease pursuing NameMedia Inc.


Respectfully submitted,


Curtis J. Neeley Jr. MFA

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Certificate of Service

I, Curtis J Neeley Jr, certify that on this 25th day of April 2012, I served a copy of the foregoing electronically on the NameMedia Inc counselor Brooks C White and the foregoing response does not address any other named defendant. This is stated under penalty of perjury.


Curtis J Neeley Jr