United States Court of Appeals

FOR THE EIGHTH CIRCUIT

CASE NO. 13-1506

Curtis J Neeley Jr.

Plaintiff - Appellant

v.

Federal Communications Commission, et al.

Defendants - Appellees

Appeal from U.S. District Court for the Western District of Arkansas – Fayetteville
(5:12-cv-5208-JLH)

COMMUNICATION WITH THE COURT

The included PDF addresses the fact that the current filing is resolving in another forum though only partially, if at all. Fiscal compensation for damages will be demanded from the FCC as well as the corporate Defendants on remand or in another circuit. See attached 3rd Amended Complaint. This action has only one result exactly like there is EXACTLY one even prime number. Naked results of database searches are illegal when shown to anonymous judges, anonymous minors, or anonymous SCOTUS clerks or ANY anonymous party who could have been a prohibited minor.

This communication will reflect the reply to comments that are filed in RN 13-86. This proceedings response time has been extended and updates will be sent to the court June 4, 11, 18, 25, 2013 with almost the same data but with updates reflecting additional comments. The heavy case load of the Eighth Circuit is respected and Curtis J Neeley Jr was advised it may take six months to decide the IFP motion. No person on Earth wishes to cause an end to anonymous access to pornography that is the real meaning of [sic] "open internet". Wire communications will become MUCH more open and useful to humanity when r**egulated but not censored**. See attached 3rd Amended Complaint.

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REPLY TO COMMENTS ADDRESSING GN DOCKET No. 13-86

INTRODUCTION

Chairman Genachowski sought review of the Commission's broadcast indecency policies and enforcement to ensure they are fully consistent with vital First Amendment principles and reduce the BACKLOG of pending indecency complaints revealing an utter FCC mission failure.

This reply addresses EVERY GN 13-86 filing relevant to the *Neeley Jr v FCC et al,* (5:12-cv-5208)(13-1506) litigation demanding FCC regulation of interstate and world-wide wire communications used in commerce or the duty assigned in 1934 per 47 USC §151. This comment proceeding revealed a GREAT deal of dissatisfaction with the FCC by the commenters as well as a hundreds of comments seeking widespread broadcasts by wire or radio of anything indecent as would generally make the FCC an agency with little practical use. No attorney in the USA would say many Eighth Circuit Judges are addicted to anonymous access to [sic] "internet" pornography in a public filing? Why would the ruling oligarchy be different from US citizens? Public Notice was titled as follows as a PDF link to the PUBLIC NOTICE like precedes to the Eighth Circuit filing no attorney would file and that was done perhaps due a TBI?

FCC Cuts Indecency Complaints By 1 Million; Seeks Comment on Policy

COMMENTS SOUGHT

Departing Chairman Genachowski asked for comments regarding the current "egregious indecency" banning policy and this quickly generated disparaging comments by one notable communications law firm of Fletcher, Heald and Hildreth posted by Harry Cole Esq as follows.

Indecency Alert: New Unannounced "Egregiousness" Standard Now Apparently in Effect, But More Changes May Be On the Way, Eventually

COMMENTS RECEIVED

Comments were received after 3/04/2013 as follows noted by day on April, **May**, June.

<1|0, 2|0, 3|10, 4|(11), 5|(35), 6|0, 7|0, 8|(1,053), 9|(23,475), 10|(26,297), 11|(5,193), 12|(6,799), 13|0, 14|0, 15|(5,779), 16|(2,030), 17|(1,608), 18|(953), 19|(1,074), 20|0, 21|0, 22|(1,608), 23|(1,357), 24|(2,136), 25|(1,272), 26|(5,926), 27|0, 28|0, 29|(3,288), 30|(1,292), **1|(1,038), 2|(260), 3|(184), 4|(0), 5|(0), 6|(281), 7|(179), 8|(85), 9|(83), 10|(181), 11|(0), 12|(0), 13|(388), 14|(318), 15|(153), 16|(57), 17|(100), 18|(0), 19|(0), 20|(167), 21|(842), 22|(246), 23|(102), 24|(105), 25|(0), 26|(0), 27|(0), 28|(208), 29|(44), 30|(13), 31|(78),**1|(0), 2|(0), 3|(82), 4|(), 5|(), 6|(), 7|(), 8|(0), 9|(0), 10|(), 11|(), 12|(), 13|(), 14|(), 15|(0), 16|(0), 17|(), 18|(), 19|(), 20|(), 21|() >

The comments containing the ***SCOTUS singular construct*** promoted to an invalid legal word by Sir Lord Honorable John Paul Stevens of [sic] "*internet*" were carefully examined. The ***SCOTUS construct*** is an inappropriate singular slang used in US law and the comments using this ***SCOTUS construct*** are addressed in this reply and are distributed by date as follows as well as the colloquial term "online" very often used for the same imaginary "*new medium*".

Comments with the text [sic] "*internet*" April, **May**, June, **ALL**

<1|0, 2|0, 3|0, 4|1, 5|1, 6|0, 7|0, 8|(3), 9|(86), 10|(143), 11|(46), 12|(49), 13|0, 14|0, 15|(61), 16|(22), 17|(20), 18|(11), 19|(15), 20|0, 21|0, 22|(21), 23|(19), 24|(23), 25|(13), 26|(27), 27|0, 28|0, 29|(19), 30|(11), **1|(9), 2|(4), 3|(5), 4|0, 5|0, 6|(6), 7|(8), 8|(0), 9|(1), 10|(3), 11|0, 12|0, 13|(5),14|(4),15|(0), 16|(1), 17|(1),18|0, 19|0, 20|(3), 21|(17), 22|(6), 23|(4), 24|(1), 25|(0), 26|(0), 27|(0), 28|(1), 29|(1), 30|(0), 31|(1)**,1|(0), 2|(0), 3|(1), 4|(), 5|(), 6|(), 7|(), 8|(0), 9|(0), 10|(0), 11|(), 12|(), 13|(0), 14|(), 15|(0), 16|(0), 17|(), 18|(), 19|(), 20|(), 21|()>

Another term that many equate with the inappropriate construct of [sic] "*internet*" is "*online*". This colloquial term was used by day as follows and only occurred with the undefinable slang construct [sic] "*internet*" in (5) comments. Karina Montgomery, Hayden Ganther, and Terry Smith, used both terms in support of more broadcasts of "porn". The others were opposed to broadcasts of porn.

Comments with the text "*online*" April, **May**, June, **ALL**
<1|0, 2|0, 3|0, 4|(1), 5|(1), 6|0, 7|0, 8|(1), 9|(15), 10|(18), 11|(10), 12|(5), 13|0, 14|0, 15|(8), 16|(4), 17|(3), 18|(6), 19|(3), 20|0, 21|0, 22|(2), 23|(3), 24|(2), 25|(3), 26|(6), 27|0, 28|0, 29|2, 30|(1), **1|(2), 2|(0), 3|(1), 4|0, 5|0, 6|(1), 7|(0), 8|(0), 9|(1), 10|(1), 11|0, 12|0, 13|(0),14|(0),15|(0),16|(0),17|(0), 18|(0), 19|(0), 20|(1), 21|(3), 22|(1), 23|(), 24|(0), 25|(0), 26|(0), 27|(0), 28|(0), 29|(), 30|(), 31|(0)**,1|(0), 2|(0), 3|(0), 4|(), 5|(), 6|(), 7|(), 8|(0), 9|(0), 10|(), 11|(), 12|(), 13|(), 14|(), 15|(0), 16|(0), 17|(), 18|(), 19|(), 20|(), 21|()>

HAYDEN PAUL GANTHER'S CONFUSION

Hayden Ganther's lengthy comment includes the following sentence that makes the twelve pages frivolous due to ignoring the *Pacifica* recognition that children have no First Amendment rights for parents to violate. Mr Ganther attempted to appear highly educated by Texas Christian University to perhaps be one educated counterpoint off-setting thousands of "AFA Christian reactionaries". Texas Christian University will regret having Hayden Ganther's "porn-support" associated with their school. The error follows from page twelve.

> "*What is being proposed is, despite what the reactionaries insist, compatible with First Amendment principles.*"

From *Pacifica* the Supreme Court acknowledged as follows **invalidating Mr Ganther's lengthy comment** and reveals **ignoring** this fact for twelve frivolous pages.

> "*... 'a child ... is not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees'. **Ginsberg v. New York**, supra, at 649-650 (STEWART, J., concurring in result). Thus, children may not be able to protect themselves from speech which, although shocking to most adults, generally may be avoided by the unwilling 438 U.S. 726, 758 through the exercise of choice.*"

3

COMMENTS RECEIVED conc

There were (659+) comments with the SCOTUS construct of [sic] "*internet*" and (104+) comments with the term "*online*" with five (5) others using both after Mr Ganther used both terms before Terry Smith used both terms and also sought bypassing both *Pacifica* and *Miller*.

Terry Smith's Pursuit of ANY Porn "Broadcast"

Terry Smith entered a ten page comment that was generally well written and suggested making indecency complaints require accepting liability for frivolity, as would be prudent. Mr Smith then went on to call ANY standard set for "common decency" to be founded on "bigotry" making his manifesto dismissible. Mr Smith declared himself a "scientific pantheist pagan". Refusing to accept any and all requirements for decency makes the comment by Terry Smith require acceptance of the "scientific pantheist pagan" religion or "hate cult"for ANY validity. This corporate "hate cult" believes anything and everything is protected by the First Amendment and holds "any belief that 'indecency' exists at all" is a rejection of the fundamental imaginary construct of [sic] "internet" where anything goes. This single contention makes the otherwise, well written comment, impossible to respect and useful only due to encouraging responsibility for complaints as appears should be considered if adequate notice is first given to complaining parties.

(758+) COMMENTS WITH USES OF [sic]"internet" OR "online"

Curtis J Neeley Jr. examined each of the comments and there were (41) hoping egregious indecency would now be shown on public RF broadcasts of video and audio in addition to public broadcasts by wire of video and audio whether these wires are cable TV wires or [sic] "*internet*" wires. These commenters generally did not wish the FCC to perform the clear statutory mission of ensuring the safety of distant communications broadcast in commerce required by 47 USC §151 and hoped the egregious nonfeasance occurring on public wire broadcasts defined in 47 USC §153 ¶(59) would extend to RF broadcasts also. These (41) public comments are linked to commenter name or alias and this linked page and follow.

(Alex Elert, Allease Wright, Andrew Reis, Bob Alberti, Bob Zollo, Brad Miller, Brent Baker, Dan Fischbach, Daniel Anderson, Daniel Lewis, David Naylor, David Woolsey, Desaun Bowen, Devin LeLeux, George Davis, Hayden Paul Ganther-12pg, Heather Loveridge, Jacob Schulz, James Frank Brockson, Jr., Jamie Pasternak, Jeromie Esterline, Jerry Jones, John Hundley, Jordan D. White, Joshua Rutterbush, Michael Parrish, Mike Cappiello, Myrle Nugent, Ndubuisi Okeh, One Million Moms(alias), Paul Shaikh, Raeford Brown, Rob Pugh, Ryan Marsh, Shayna Smith, Terry Smith, Tom Geissinger, Tony Andrys, Victor Wilson, William Russell Gray, William Spry)

The "porn" supporters listed/linked above were encountered while looking at EVERY comment with the text [sic]"internet"(658+) or "online"(105+). These "porn-hounds" would appreciate departing Chairman Genachowski's inappropriate First Amendment concerns when public safety is imperiled by egregious free speech or egregious indecent expressions NOT protected by ANY Amendment. See *Schenck v. United States,* 249 U. S. 47, 249 U. S. 52, *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

REPETITIVE OPPOSITION TO THE AMERICAN FAMILY ASSOCIATION (AFA)

(326+) anti-AFA comments wished for more porn on broadcasts of audio and video regardless of medium. The safety of public broadcasts of communications must be ensured per the Communications Act of 1934, as amended. The safety of distant broadcasts of wire and radio communications is required by the Communications Act of 1934 and was supported by the 1978 *Pacifica* SCOTUS ruling or explanation as well as common sense that is apparently no longer common in much of the United States. The (326+) anti-AFA porn supporters wished for expanded porn on RF broadcasts but did not generally use the slang of [sic]"*internet*" and were therefore given perfunctory examination due to being almost the same "*copy-and-paste*" comments in direct opposition to American Family Association(AFA) originating from here. The AFA comments were decidedly more genuine but misguided due the inaccurate AFA action alert supporting comments like by Terry Smith. This comment was likely to have been motivated by an AFA action alert counter-alert done on an atheist forum found posted by Eric Gallini as follows.

http://www.reddit.com/r/atheism/comments/1bzowe/fcc_to_allow_partial_nudity_christian/

Eric Gallini was pleased to learn hundreds of copies of his porn support were submitted when contacted by Curtis J Neeley Jr.

Robert Gaiser filed two (1, 2) conflicting comments but seeks relaxation of indecency regulation as determined after speaking with Mr Neeley. Bob Gaiser is a good example of why judges should be required to retire at age 65 or be reaffirmed though Mr Gaiser is only around 63.

COMMENTS SEEKING BAN OF "PORN" BROADCASTS REGARDLESS OF VENUE

The following (82) commenters generally not only sought continued banning of radio/television broadcasts of nakedness and indecent audio but also sought an end to current FCC nonfeasance on regulation of broadcasting by wire and radio generally whether called [sic] "*internet*" or "online".

(**"**Aaron**"**,Amy Garst, Ave Hurley, Betty Harrill, Blanche Day, Bob Stone, Brenda Heslop, Bruce Yovich, Calvin Simmons (good), "Carla", Carol Nibbelink, Carolyn P Black, Cecily Dossett, Christy Asbury, Craig Beitinger, Crystal Oprea, Curtis J Neeley Jr, Dale Hulse, "Dan", Dana Blondo, Danya", Dave Jackman, Denna L Davis, "Destroyed Family", Don Yeater, Emily Peterson, Frances Ivanov, George R. Jennings Jr.,"Goldia", Greg Carlisle, James Bushnell, JAMES LASSITER, Jessica Wilemon, Joani Hatch, "Jodie", Joel Wright, Johannes Perlmuther, John Pombrio GOOD, Karl Mathias, Kevin McWilliams, Kurt Rowley, Ph.D., L & T Lang, Lauren Hales, Laurie Kraemer, Linda M Bunsen, Lindy Deen, Lucille Mendenhall, M.C.Gens, Marcus Nelson, Marcy West, Matt Packard, Megan Powell, Michael G. O'leary, Michael Keller, Moana Wilcox, Myron Taylor, Naomi Brown, Niki Jensen, Noelle Chin, Parent Television Council, Patricia Strickland, Paul & Lori Wagner, Phil Crandall, Rayda L Renshaw, Richard C. August, Richard John, Richard P. Felix, Robert H. Pettitt, Robert Ziccarelli, Ron Raridon, Scott Obermann, Shanna Ormond, Sherry Hepler, Stephen Crowell, "Tara", Ted Kilcup, Todd Manson, Tom Kennedy, Torrie Young, W.Harrington, William Eckmann)

COMMENTS SEEKING BAN OF PORN ON THE *PORN-BY-WIRE* OF [SIC] "*INTERNET*"

Comments seeking [sic] "*internet*" wire broadcasting regulation EXACTLY like demanded were common. Curtis J Neeley Jr is not alone and will help anyone else willing to fight.

1. Aaron: I also formally request that you enforce this law and hold broadcasting stations and the internet accountable.
2. John Pombrio: I would advocate that the FCC rules be extended to include the internet in general as well. It should be required to register or otherwise enable someone to go down this path.
3. L & T Lang: Hopefully this will affect Cable and Internet programming as well.
4. Linda M Bunsen: Don't need porn on the internet.
5. Lucille Mendenhall: Protect our children and us from further internet and TV filth.
6. M.C.Gens: I, my children and grandchildren are offended by adult nudity and profanity of any kind on tv, radio, in films, internet or print.
7. Marcy West: I want tv and the internet free from nudity and cussing...Please regulate our internet... for our children. No Nudity please!!!
8. Michael G. O'leary: pornography needs to be taken off tv and also the internet as well.
9. Michael Keller: As a young child I was inadvertently exposed to nudity on the internet. Ever since this early exposure I have fought with an addiction to pornography.
10. naomi brown: Please work to clean up the internet and Cable TV as well.
11. Noelle Chin: It is my personal opinion that we need to get regulations on internet as our children can easily get access to things they should be shelter from and I believe you now are embarking on the same road.
12. Parent Television Council: Keep kids films in movies, TV, and Internet CLEAN. We are against any more allowance of profanity or nudity in the media no matter what the venue: tv, radio, newspaper, Internet.
13. Phil Crandall: I'd strongly encourage the FCC to enforce it's statutory responsibility and subject all forms of "wired communication" including the internet to the current standards.
14. Rayda L Renshaw: This sort of thing does not belong in our homes, whether through tv or the internet.
15. Richard John: ...the FCC would also ad[op]t stricter regulations on internet content.
    Bob Stone: Please work to clean up the internet and Cable TV as well.
16. Richard P. Felix the laws prohibiting hardcore porn on cable TV hotel and motel rooms and on the internet.
17. Robert H. Pettitt: Instead, the obscenity standards should be strengthened; and made also to apply to the internet.
18. Robert Ziccarelli: In my opinion the current broadcast decency standards should not be dro[p]ped but needs to be extended to include the internet as well as television and radio.
19. Stephen Crowell: please seriously restrict vulgar language and gestures and imagery including nudity from all broadcasts whether on television or radio as well as with cable and internet
20. Torrie Young: there is nothing regulating filth online
21. *George R. Jennings Jr.: IN ADDITION PLEASE CONSIDER CLEAN INTERNET STANDARDS*
22. James Lassiter:...You fail Americans by refusing to ban sex filth on the internet and now you seem ready to cancel the ban on profanity and nudity on PUBLIC television?...

OLIGARCHY DEFENDS ANONYMOUS "PORN-Broadcasts"

United States Court's Article III judges are Honorable Lords like once ruled England due to appointments for life. United States' senior citizens may retire and draw social security at age 65. Lord Honorable John Paul Stevens made the egregious error of calling 47 USC §153 ¶(59) wire communications a "*unique and wholly new medium*" instead of **communications by both the wire and radio mediums these ALWAYS WERE**. This mistake was made by a ruling senior citizen Lord at the advanced age of (77) in the twentieth year of rule after witnessing humanity first visit the moon at age (48) or four years older than Curtis J Neeley Jr now. Lord Stevens had forgotten the *Pacifica* ruling composed nineteen years earlier while a fresh "*unique and wholly new"* Associate Justice of the United States Supreme Court at the much younger age of fifty-eight.

NO NEW "MEDIUM" EXISTS AS BECOMES MORE OBVIOUS EVERY YEAR.

United States Courts currently pretend the 1997 creation of the [sic] "*internet*" medium was **not an obvious mistake** done to preserve anonymous pornography consumption by judges and SCOTUS clerk Ruth Jones Esq wishing to protect wire broadcasts like HERE, HERE, or HERE.

LORD STEVENS 1997 ERROR INVENTS [sic]"*internet*"

The "*unique and wholly new*" **usage** of 47 USC §153 ¶(59) wire communications was simply another replacement of machines connected to wires for communication broadcasts besides facsimile. Telegraph machines were replaced by machines connected to wires long before computers were connected to wires and used for communications. The [sic] "*internet*" was only advancement of telegraph machines patented in 1847 by Samuel Morse and are only logical advancements in wire communications. [sic] "*Internet*" wires are still unable to make facsimiles disappear completely like telegraph machines quickly did due to the **continuous FCC nonfeasance** and not regulating ALL distant wire communications broadcasting perhaps while trying to locate the "*unique and wholly new medium*" - there has NEVER BEEN. Confinement and fines will quickly end all spam and all need for facsimiles.

NO NEW MEDIUM HAS EVER EXISTED

NO NEW *MEDIUM* HAS EVER EXISTED -cont

No new medium has EVER EXISTED except in the minds of confused elderly Lords like Lord Stevens and Sir Lord Honorable Jimm Larry Hendren. Thousands of GN 13-86 commenters appeared to make this mistake also with comments like, "*various forms of media, entertainment, advertising, internet, etc.*", by Bettie Glass. Ms Glass was accurately using the singular "*means of communications*" definition like (3,414+) other comments and not the plural of "*medium*" like used mistakenly by Lord Stevens in *ACLU v Reno,* (96-511) in 1997 thereby creating the imaginary singular construct for unregulated wire and radio communications called [sic] "*internet*". There were (213+) uses of the term medium. Many were propagation of Lord Stevens erroneous use of the singular noun though some used the adjective "medium" to describe a middle position like high-medium-low. Curtis J Neeley Jr reviewed them ALL.

Radio broadcasts of 47 USC §153 ¶(59) wire communications make simultaneous usage of unsafe wire and radio communications permeate public airwaves such that broadcasting of unregulated 47 USC §153 ¶(59) wire communications is done by both wire and radio. These will be as pervasive as FM radio signals are today soon using the common carrier protocol for time based modulation of radio signals described generally in Docket #56 of *Neeley Jr. v FCC, et al,* and already occurs in much of China.

HUMAN RIGHTS NOT PROTECTED IN AMERICA

Artists or authors of indecent material, like Curtis J Neeley Jr did in the past, have a clear moral duty to prevent these indecent creations from being encountered by minors **ANYWHERE**. This moral duty should CURRENTLY be supported by 47 USC §605 for wire and radio communications until this law was ignored or repealed by elderly Sir Lord Honorable Jimm Larry Hendren and protected elsewhere by the "Progress Clause" of the Constitution written in 1787.

HUMAN RIGHTS NOT PROTECTED IN AMERICA -cont

The RIGHTs of authors and inventors were never protected in the United States due to Noah Webster coining an "Americanized" misspelling of copyright from England in 1790 and NEVER protected RIGHTs of authors or inventors except from 1990 with the Visual Artists Rights Act until 17 USC §106A was repealed by elderly Lord Honorable Jimm Larry Hendren in 2010 in demonstration mental defect or of senility. This disparaging creation of American copy[rite] law still exists today perhaps because of the untimely illness and death of author and inventor Benjamin Franklin who felt the Constitution was too important a document to use for coining a new term. The alleged Copy[rite] Clause of the Constitution did not use the term [sic] "copyright" and neither did the "State of the Union" address given by George Washington on January 8, 1790. Mr Washington noted the need for the Copy[rite] Act of 1790 in the new country. The encouragement of the FRAUD that was then signed into law on May 31, 1790 only forty-four days after Benjamin Franklin's death with the speech reference as follows.

> *"...that there is nothing which can better deserve your patronage, than the promotion of Science and Literature. Knowledge is in every country the surest basis of publick happiness..."*

copy+rite coined as copy+right in US law TO DECEIVE

Noah Webster, a linguist, and Benjamin Huntington, a lawyer, quickly coined one misspelling in Congress with the US [sic] "Copyright Act of 1790" perhaps in order to successfully fool the entire nation to think a human RIGHT was protected that was NEVER preserved or even recognized for any time. The first usage on Earth of the term [sic] "copyright" in national law only protected the publication ritual or RITE. This legal RITE for publishing was copied from the *1710* Statute of Anne almost verbatim while ignoring the human RIGHTs of creators to control visual art copies protected first by the *Engraver's Act* of 1734/5 in England.

Still; Today the United States blindly accepts Noah Webster's copyrite compound word misspelled intentionally as [sic] "copyright" abusing the compound word first used by Lord Blackstone circa 1767 in *Blackstone's Commentaries on English Law* | Book two | *Rights of Things* | *Chap. 26: Of Title to Things Personal by Occupancy*. Footnotes 37 and 38 referring to prior uses in English rulings as "copy-right".

FCC MISINTERPRETATIONS OF *PACIFICA*

> *This case* [*Pacifica*] *requires that we decide whether the Federal Communications Commission has any power to regulate a radio broadcast that is indecent but not obscene.*

The preceding consideration of broadcasting by the Supreme Court from *Pacifica* involved one type of broadcast in ONLY the radio medium. The *Pacifica* ruling used the term broadcast as both a verb and noun 162-times or pervasively. In misinterpretations that have followed; The FCC authority to regulate "*radio broadcasts*" has became the authority to regulate "*broadcasts*" giving the word "*broadcasts*" the misunderstood and inappropriately accepted meaning of "*radio or television broadcasts*". This abuse of language was like the "Copy[rite] Act of 1790" wherein [sic] "copyright" was used instead of "*copyrite*" or the new compound word whose literal meaning was used and remains used even today. "*Radio broadcast*" was used six times or 156-times less by the "*wholly new*" 58-year-old Associate Justice Lord Honorable John Paul Stevens.

The 1978 ruling of *Pacifica* authorized the FCC to do absolutely nothing.

The Communications Act of 1934 **required then and STILL requires** FCC regulation of interstate and world-wide communications **broadcasting by radio** AND **WIRE**. *Pacifica* merely explained FCC regulation of radio broadcasts due to pervasiveness of signal and did not address the fact radios would be required in 1978 just like access to [sic] "*internet*" wires, cable television wires, and computers or mobile phones are required today. Early misinterpretations of this ruling allowed cable TV **wire broadcasts** to escape FCC regulation and this is now obvious but ignored.

FCC MISINTERPRETATIONS OF *PACIFICA* cont

It makes no difference what medium is used to broadcast communications or if subscriptions or devices are first required. **Broadcasting is intentionally making communications available to numerous unknown parties.** This was the rational the *Pacifica* ruling tried **unsuccessfully** to make clear.

PENDING LAWSUIT(S) AGAINST THE FCC

Curtis J Neeley Jr. has personally pursued the FCC in Federal Court for nonfeasance and failing to protect naked images broadcasting by wire disguised as [sic] "*internet*". Curtis J Neeley Jr. did not seek damages but change in policy and was dismissed in clear error perhaps due to anger felt towards Mr Neeley Jr by senior citizen Sir Lord Honorable Jimm Larry Hendren fifty-three days after admitting senior status only two years after prior rulings against Mr Neeley were called indications of senility by Curtis J Neeley Jr in open court December 9, 2010. This lawsuit will seek fiscal damages on remand from FCC Commissioners and seek a younger "ruler" or will be filed again IN OTHER VENUES if appeal is not allowed to proceed IFP in order to preserve anonymous access to porn by not allowing the attached 3rd Amended Complaint linked to one wire broadcast location also.

The FCC will face claims for damages due to failing to make 47 USC §153 ¶(59) wire communications safe and failing to enforce 47 USC §605 and thereby allowing pervasive unauthorized re-publication and use of wire communications that had and still have adult filtration installed to forbid display to anonymous minors at <deviantart.com>. Viewership of naked images "*online*" must require logging-in where identities can be tracked and verified and browser histories should be deletable only after thirty days. Defendants Google Inc and Microsoft Corporation each refuse to require this. See attached/linked complaint.

Nevertheless; Logging-in should be required by the FCC as well as adoption of rule sets protecting both **free speech AND children** like served in this complaint on the FCC, the US Attorney General, Google Inc, Microsoft Corporation, and 3rd District AR Representative Steve Womack. See 47 USC §232.served already as *Neeley Jr v FCC et al*, (5:12-cv-5208) Docket #59 (Attachments: # 1 Exhibit) as the last four pages.

USA – ADDICTED TO THE "*Forbidden Fruit*"

It has never been likely any United States' Court will rule morally and prohibit Defendant Google Inc and Defendant Microsoft Corporation from bypassing identity filtration and showing nakedness to judges, SCOTUS clerks, and other anonymous viewers. It is not likely that a United States' Court will require the FCC to face a jury and be ordered to pay for nonfeasance that allows anonymous pornography because many if not most **judges are addicted** to anonymous access to legal porn and treat this inappropriately as a right, as do citizen commenters like Terry Smith.

The political drive to end porn-by-wire or unregulated [sic] "*internet*" communications may be the only manner for ending the "online" immorality of the United States like done by the Nineteenth Amendment allowing ALL adult females to vote. The Nineteenth Amendment passed after Susan B. Anthony unsuccessfully tried to alert SCOTUS of United States' immorality and was fined $100 for voting by SCOTUS. Susan B. Anthony died in 1906 STILL unable to vote but remains the only voter in history charged $100 for voting straight Republican.

USA – ADDICTED TO THE "Forbidden Fruit"

The vast majority of the hundreds of GN 13-86 comments examined by Curtis J Neeley Jr with the terms [sic] "*internet*" or "online" referred to this imaginary construct as another venue that was more controllable and a media where those seeking porn could turn as a valid alternative to RF broadcasting. Very many advised of contemplating using only the streaming of [sic] "*internet*" wire broadcasts and abandoning RF broadcasts of television entirely. These commenters appear to trust their purchased [sic] "*internet*" filtration.

This self-censoring option propagates discrimination based on fiscal ability or common sense counter to the mission of the FCC in 47 USC §151. There were numerous requests that the FCC simply be abolished due to decades of utter failure begun with unregulated TV wires called cable TV. **Regulation of wire communications disguised as [sic] "*internet*" or cable television wires and safe FCC search engines must now develop.** Curtis J Neeley Jr. will perpetually **DEMAND** an end to FCC nonfeasance like Susan B Anthony unsuccessfully pursued the right to vote. Mr Neeley is, however, a much younger, more determined polymath than Ms Anthony, as should almost be obvious by now or should be obvious soon. See attached or linked complaint.

13-86 COMMENT SEARCH LINKS

1. "I support" -internet **656**
2. "I support" +internet **7**
3. "I oppose" **51,732**
4. "media" **3,168**
5. **"**responsibility**" 1,800**
6. "internet" **652**
7. "AFA" **325**
8. **"**online**" 104**
9. **"**censor**" 355**
10. **"**agree**" 561**
11. agree -"do not" **324**
12. **"**outdated**" 30**
13. "other countries" **95**
14. "against" **3,155**
15. "free speech" **268**
16. "censor +policy" **59**
17. "internet" "online" **4**
18. "the" **96,099**
19. **"**fuck**" 143**
20. "wire communication" **2**
21. "AFA -bend" **47**
22. afa +bend **278**
23. "copy paste" **10**
24. **"**medium**" 210**

ABOVE LINKS are "LIVE" SEARCHES. Results are from May 21, 2013

(278) "PORN" SUPPORTER COMMENTS WITHOUT "INTERNET" OR "ONLINE" PLUS (331) ANTI-AFA COMMENTS PLUS (41) "PORN" SUPPORTERS WITH COMMENTS USING "INTERNET" OR "ONLINE" IS (650) "porn" SUPPORTERS of 96,519 or 66/100 of 1%

The results LINKED above except for ## (3, 4, 5, 14, 18) were examined. Every supporter of "porn" was noted and archived. Supporters of "porn" are perpetually listed with links to their porn-support filings. Supporters of nakedness in any way are, by definition, supporters of PORN to Curtis J Neeley Jr. One is either against ALL naked broadcasts or is a supporter of PORN. The pornography supporters listed above are linked along with the (42) listed and linked herein. Many were less relevant to the perpetual DEMAND the FCC regulate ALL wire communication broadcasting including those most commonly called using Lord Stevens imaginary medium construct of [sic] "*internet*" for disguise. The FCC won't find ANY supporter for relaxed decency standards that are not noted and listed as follows except those not online.

ALL-RN_13-86_"Porn-Support" comments.

ONE ACCEPTABLE CONCLUSION

Regulation of wire communications disguised as [sic] "*internet*" and safe FCC "search" must now develop. Not in ten years and **not after another five years, but NOW!** Curtis J Neeley Jr will pursue the current FCC nonfeasance like Susan B Anthony pursued suffrage. Curtis J Neeley Jr is (44) typing this and Ms Anthony was (86) when making her last public comment. Curtis J Neeley Jr herein repeats Ms Anthony's prediction. Most judges on benches today will be dead and rotting in forty years. Curtis J Neeley Jr. will have reached just (84) if not also expired. **FAILURE IS IMPOSSIBLE**

FCC's GN 13-86 proceeding was studied by Curtis J Neeley Jr far beyond any review the FCC is likely to have considered. Thousands upon thousands of people were discovered who will join this pursuit of the FCC and demand **ALL DISTANT BROADCASTING BE REGULATED** according to **EXISTING US LAW**. The version of the [sic] "internet" that has developed over the last few decades is utterly EVIL, but can be fixed VERY easily. The [sic] "internet" will be made safe according to existing US Laws before Curtis J Neeley Jr dies. See attached complaint.

No new law is needed.

FAILURE IS IMPOSSIBLE.*

The porn-by-wire of [sic] "*internet*" wire communications **must be regulated by the FCC** before becoming pervasive like FM radio communications are today. This technical certainty will soon occur like has been explained adequately in *Neeley Jr v FCC, et al,* (5:12-cv-5208) Docket #56. This explanation reveals highly abstract military communications training. USMC 2831 PMOS personnel should generally understand as may many electrical engineers. Wire and radio communications are already as pervasive in some of China as FM radio is in much of the United States today and must be made safe before becoming as pervasive here. Pervasive Wi-Fi communications are now part of the FCC mission given in 47 USC §151.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703

Failure is impossible,

/s/ Curtis J Neeley Jr

Curtis J Neeley Jr.

IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr. Plaintiff

v

CASE NO. 12-5208

Federal Communications Commission,
Microsoft Corporation, Defendants
Google Inc.

THIRD AMENDED COMPLAINT FOR: 1) VIOLATIONS OF PRIVACY; 2) FAILURE TO REGULATE WIRE COMMUNICATIONS FOR SAFETY WHEN USED IN COMMERCE; 3) VIOLATION OF THE EXCLUSIVE RIGHT TO CONTROL PERSONAL COMMUNICATIONS FOR A TIME; AND 4) BYPASSING AN IDENTITY REQUIREMENT INSTALLED TO PREVENT DISPLAY OF NAKED ART TO ANONYMOUS VIEWERS OF INTERSTATE AND WORLD-WIDE WIRE COMMUNICATIONS BROADCAST IN COMMERCE

The Plaintiff, Curtis J. Neeley Jr. states a complaint for reckless presentation of the Plaintiff in simultaneous **radio and wire** communications when broadcast violating privacy by internationally distributing NAKED artwork creations publicly that are personal "*sins*" sought maintained privately. The Federal Communications Commission fails to protect the Plaintiff's privacy on interstate and foreign communications broadcasts by **wire and radio** and fails to protect the safety of [sic] "internet" wire communications when broadcast for citizens including the Plaintiff or Plaintiff's children, as required by law. These wrongs are further explained for each Defendant as follows labeled I-V. Trial by jury is demanded but not expected.

I. Federal Communications Commission's Failure to Protect Wire Communications

1. The Supreme Court mislabeled the usage of computers to facilitate wire communications a "*wholly new medium*" in *ACLU v Reno,* (96-511). This plain error is not yet addressed by Congress. Indecent **radio and wire** communications broadcasting should not be exempt from regulation like wire broadcasts are now due to Federal Communications Commission (FCC) nonfeasance. See *FCC v Fox*, (10-1293)(2012)

2. The clear intention of the Communications Act of 1934 was regulation of all pervasive distant communications broadcasts. **The *ACLU v Reno* MISTAKE** causes the portions remaining from the Communications Decency Act of 1995 to diametrically oppose decency by preempting responsibility for all "*indecent*" simultaneous **radio and wire** communications when broadcast instead of the promotion of decent distant communications when broadcast to unknown parties.

3. The FCC demonstrates nonfeasance by failing to intervene or otherwise seek to prevent 47 USC §230(c)(1)[1] from misinterpretation by courts counter to: 1) the Constitution, 2) the title of the indecency excusing §230, and 3) the mission of the FCC given in 47 USC §151[2] wherein Congress created the FCC and gave the agency clear regulatory authority over distant **radio and wire** communications when broadcast for interstate or world-wide commerce.

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[1](c) Protection for "Good Samaritan" blocking and screening of offensive material
(1) Treatment of publisher or speaker
No provider *or user* of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider

^^^^ 47 USC §230(c)(1) above sought to protect wire communications connectivity providers like telephone wire communications providers were protected from delivering though unaware.

[2]47 USC §151 - For the purpose of regulating interstate and foreign commerce in communication by **wire and radio** so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide **wire and radio** communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of **wire and radio** communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in **wire and radio** communication, there is created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.

- *Highlighting added throughout this complaint for "**wire and radio**" to prevent continued ignoring though reversed elsewhere to encourage wire communication broadcast regulation.*
[2]

4. The continual display of NAKED art to unidentified parties, like the Plaintiff's children, Lord Most Honorable Jimm Larry Hendren, and other unidentified pornography consumers over **radio and wire** communications broadcast is allowed by the FCC refusing to perform the statutory mission to protect the safe use of pervasive interstate and world-wide **radio and wire** communications broadcast in commerce as listed clearly in 47 USC §151 in plain English as can be read in footnote #2 on previous page or continue being ignored for anonymous access to "porn-by-wire".

5. No simple administrative procedure exists to address this nonfeasance for citizens beyond those already tried for years by this Plaintiff. These include service of the general complaint by certified mail in 2009 and electronically "filing" this complaint repeatedly via FCC's Electronic Comment Filing System (ECFS) as can be seen by the public searching the <fcc.gov> website. Jurisdiction was vested in this District Court per 28 USC §2675(a) after failure beyond six months to end this nonfeasance after the claim was first made.

6. Kim Mattos, of the FCC, advised the Plaintiff that decency regulation for interstate **radio and wire** communications was beyond the jurisdiction of the FCC and claimed, "*everyone at the FCC",* was aware of this complainant and this complaint. The attempts by the FCC to establish tacit jurisdiction for open [sic]"internet" broadband rules failed miserably to assert the clear jurisdiction to regulate interstate and world-wide wire communications when broadcast using the slang term [sic] "internet" or the slang term that is improper when used in any law or in any legal filing as a singular noun in another improper usage of the English language.
[3]

7. The *FCC v Pacifica*[3] ruling from 1978 is substituted wholly for the 47 USC §151 rational for regulation of distant **radio and wire** communication broadcasting in plain error by the FCC when simultaneous **radio and wire** communication broadcasts displaced common usage of facsimile machines and telegraph machines for wire communications. The FCC regulated **radio and wire** communications when broadcast better when telegraph wires were the only timely communications across oceans.

8. The FCC uses the thirty-four year old *Pacifica* ruling now to determine jurisdiction instead of 47 USC §151 in clear error as an excuse for not regulating the network of computers that replaced telegraph machines as the apparatus connected to wires for interstate and world-wide communications when broadcast in commerce.

9. Wire communications described precisely in the Communications Act of 1934 in 47 USC §153 ¶(59)[4] became the worldwide network of computer apparatus connected to either end of wires. This simple fact went unrealized in the *ACLU v Reno* **"landmark" mistake from 1997** alleging to discover "*a wholly new medium for human communications*" and failing to recognize one new usage of two very old mediums.

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[3] *FCC v Pacifica* the "landmark" First amendment holding from 1978 with the "*pervasiveness theory,*" held that distant broadcasts of speech were "*uniquely pervasive*" and an "*intruder*" in the home, and therefore demanded special, artificial content restrictions and relied on the pervasiveness of radio waves exclusively and failed entirely to address the pervasiveness of wire communications when simultaneously available by radio as "*interconnected networks*" of wire communications are due to nonexistance in 1978.

[4](59) Wire communication

The term "wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

10. The *ACLU v Reno*, (96-511) Supreme Court **error**[5] caused simultaneous **radio and wire** communications broadcasting to become Earth's **radio and wire** venue for utterly unsafe indecent communications when broadcast despite the rest of the ignored text of 47 USC §151 requiring protection for the safe use of both of these mediums in interstate and world-wide commerce.

11. The FCC fails now to ensure safe personal communications privacy for this Plaintiff in interstate and world-wide communications when broadcast. Plaintiff is left protected only by the Constitution and common law despite 47 USC §151 due nonfeasance of the Federal Communications Commission.

12. The FCC abandoned regulation for the safe content of **radio and wire** communications when broadcast despite the plain statutory mission given in 47 USC §151 to protect the safe use of both of these mediums for distant communications when broadcast in commerce **to unknown parties**.

13 The **thirty-four** year old *Pacifica* ruling leaves the FCC using archaic court interpretations of clear statutes to preclude content regulation on simultaneous **radio and wire** communications broadcasting despite clear text requiring regulation of all distant communications especially when **broadcast to unknown parties**.

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[5] *ACLU v Reno,* (96-511) The claim of, "*…[i]nternet is a unique and wholly new medium of worldwide human communication*", failed to address internet **radio and wire** communications occurring simultaneously on both old mediums and was written early in the days of [sic]"internet" **radio and wire** communications when few understood simultaneous [sic] internet **radio and wire** communications to be the new medium independent manner of pervasive distance communications. This was perhaps more confusing to those growing up without [sic]"internet" **radio and wire** communications, smart-phones, or nuclear weapons like the Justice writing the *ACLU v Reno,* (96-511) ruling and many reading this though few alive grew up without nuclear weapons. This error becomes more obvious every day and should be overruled and will be corrected soon without any doubt by the courts or by legislature.

14. **The "*landmark*" court error of *ACLU v Reno*** allows irresponsible **radio and wire** communications to broadcast pervasive distant NAKEDNESS counter to 47 USC §151 requiring protection for the safety of the public for uses of **radio and wire** communications when broadcast in commerce **to unknown parties** .

15. This cultural error made by the Supreme Court causes the current uses of simultaneous **radio and wire** communications broadcasting to not be regulated by law and be given over-broad First Amendment protections without the associated responsibilities for safe communications broadcasting, which are the prerequisite required for all free speech and especially speech **broadcast to unknown parties**.

16. The FCC allowed and allows simultaneous usage of **radio and wire** communications broadcasting to become patently unsafe today and harm this Plaintiff's reputation and personal privacy as well as more people than live in the Western District of Arkansas and, in fact, more people than live in the entire United States.

17. The FCC duty to protect public safety when using distant **radio and wire** communications broadcasting became utter FCC nonfeasance when television signals generally moved to wires called cables and away from exclusively the radio medium.

18. Regulation allowed for fleeting indecency in radio television broadcasts by *CBS v FCC*, (06-3575) is incompatible with indecent images authored by the Plaintiff or associated with the text "curtis neeley" allowed now to be transmitted by unsafe **radio and wire** communications broadcasting regardless of who placed the indecent content on computers made accessible **to unknown parties** by simultaneous **radio and wire** communications without respect to the popular "title" given this medium independent communications broadcasting.

19. The FCC was created to protect communications by the Communications Act of 1934 five decades before any "*wholly new*" simultaneous **usage** of **radio and wire** communications broadcasting existed. **No new medium has ever existed in spite of this clear Supreme Court mistake**. See the clear English definition of medium.[6]

20. The failure to properly apply 47 USC §153 ¶(59) was done by one Justice who grew up without fear of nuclear war due to growing up before WWII and before the first usage of two WMDs for terrorizing Japan was done by the United States by utterly destroying Hiroshima and Nagasaki with only two bombs.

21. The failure to recognize a new manner for using the centuries old wire medium for broadcasting and calling this new manner for usage of the old wire medium "a *unique and wholly new medium*" was plainly wrong yet was adopted in error by the FCC and not challenged as was and still remains the statutory duty of the FCC.

22. The rapid progress of science and NAKED art spread by **radio and wire** communications broadcasting has allowed overwhelming desires for anonymous NAKEDNESS consumption to distort laws and lure humanity, including United States Courts and the FCC, into preserving anonymous NAKED wire communications **consumption** where responsibility for NAKED **radio and wire** communications broadcasting is avoided counter to the safe use of pervasive distant communications broadcast by **wire and/or radio**.

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[6] **Medium** noun 1) a middle state or condition; mean. 2) something intermediate in nature or degree. 3) an intervening substance, as air, through which a force acts or an effect is produced. 4) the element that is the natural habitat of an organism. 5) surrounding objects, conditions, or influences; environment.

^^ medium. (n.d.). Collins English Dictionary - Complete & Unabridged 10th Edition. Retrieved Sept.12, 2012, from Dictionary.com: <dictionary.reference.com/browse/medium>

[7]

23. The *ACLU v Reno,* (96-511) error is counter to the Constitution and rule of law and harms this Plaintiff's privacy as well as the safety of all minors and spouses on Earth with access to unsafe yet pervasive simultaneous **radio and wire** communications broadcasts revealing NAKED images searching for "curtis neeley" or more well-known NAKED art producers by name in a Google Inc or Microsoft Corporation image search. This is allowed by the FCC to cause harm to this Plaintiff contrary to the mission listed clearly in 47 USC §151 despite years of complaints by the Plaintiff.

24. Google Inc and Microsoft Corporation indexing copies of NAKED content and revealing NAKED image locations should always have been penalized as transmitters of nakedness by the FCC due to communicating NAKED images broadcast in different contexts as new content by harvesting NAKED image content and choosing to rebroadcast this unsafe NAKED image content to create the pervasive lure for anonymous pornography **consumption** for ridiculous profits despite the FCC duty to make **radio and wire** communications broadcasting safe for interstate and world-wide communications when broadcast for commerce.

II. NAKED text-image Associations Left Violating Privacy by Microsoft Corporation after Advised of Inappropriateness

1. Microsoft Corporation database searches alleging to represent the network of computers connected to wires for broadcasting associates the Plaintiff with NAKED image creations using "curtis neeley" in searches of **radio and wire** communications broadcasting now called open "inter" + "net", though advised these COMPUTER FRAUDS are prohibited by State and Federal law. (18 USC §1030, ACA 5-41-103.)

2. Microsoft Corporation refuses to halt this reckless personal name association without court orders after requests that all NAKED images be removed from search results for searches using the text "curtis neeley" by refreshing the cache.

3. Microsoft Corporation advised the Plaintiff that ceasing the text-image association of "curtis neeley" with NAKEDNESS in the Microsoft Corporation database would require court orders after noting the Plaintiff's distress about obscene results and violations of the robots exclusions protocol violating the privacy of the Plaintiff and violating the Plaintiff's personal common law right not to be associated with NAKED art. *See* docket #5 attachment #2 Exhibit "B".

4. Injunctions requiring disassociating "curtis neeley" in database searches from NAKED images are now sought regardless of other terms used by unidentified searchers who may be minors or where identities can't be checked by an authority like is also plead required now by the FCC as would be ceasing current nonfeasance.

III. The Google Inc Reckless Use of Wire Communications to Violate Privacy

1. Google Inc continues to associate "curtis neeley" with the presentation of NAKED photographs placed "online" by various random parties world-wide and this violates the common law rights and Constitutional rights of the Plaintiff. There are insufficient safeguards used on these NAKED Google Inc image presentations for prevention of anonymous viewers including minors, Muslims, or the Plaintiff's children from viewing NAKED images returned using "curtis neeley" in searches of computers networked by wire despite the ease of preventing anonymous searches for decades but not done recklessly to increase pornography profit. See "curtis neeley nude site:creative-nude.net" in Google Inc "moderately safe" search or Docket #51 attachment #1 Exhibit "CNN". None of these images were done by the Plaintiff.

2. The Plaintiff once sought adult feedback on creations of NAKED art and sold this art from two websites providing 47 USC §231 filtration so that anonymous visitors to these websites were not exposed to NAKED art unless disclosing identity via verifiable email wire communications, as should be ordered required by the FCC in keeping with 47 USC §151 and 47 USC §231.

3. Google Inc formerly and currently bypasses 47 USC §231 filtration and VIOLATES 47 USC §605 after advised of this wrong. Google Inc does this to continue display of NAKED images otherwise shown only to identity providing viewers for profit. Google Inc searches for "curtis neeley" limited to <deviantart.com> formerly revealed naked art and still reveal artwork declared "not safe for work" (NSFW) **after Google Inc was advised of this clearly CRIMINAL wrong repeatedly**. See 18 USC §§(1961(1),1962,1964, 2511)

4. The undesired return of artwork, declared by the Plaintiff to be indecent to unauthorized anonymous persons, was documented repeatedly and can be seen now. Indecent naked images were removed from <deviantart.com> and <redbubble.com> and vociferous advisement was given to Google Inc and hundreds of Federal Court filings. This violated the Plaintiff's common law copy right and common law privacy and 47 USC §605 and was criminal violation of 18 USC §2511. Plaintiff now seeks punitive civil damages for this to significantly offset the federal deficit after taxed.

5. The bypassing of adult (47 USC §231) filtration by Google Inc continues for this Plaintiff and ALL users of <deviantart.com> seeking the 47 USC §231 identity requirement for viewership of art marked indecent or "not safe for work" (NSFW).

6. The unauthorized republication of NAKED images from two websites presented material publicly to ANYONE that was clearly not intended for presentation to anonymous minors invalidating all possible 17 USC §107 claims. Google Inc continues now violating common law and constitutionally protected privacy and copy right and harasses the Plaintiff with fraudulent use of computers bypassing identity filtration and continues returning art labeled indecent in searches for "curtis neeley" to minors in the **radio and wire** mediums as are allowed by the FCC though rendering **radio and wire** communications broadcasting unsafe due to FCC nonfeasance.

IV. The "Google Inc Books" 2010 Privacy Violation

1. Google Inc attributed the Plaintiff accurately but inappropriately to three additional *NAKED* photographs via interstate and world-wide **radio and wire** communications broadcasts after Google Inc scanned three NAKED images by the Plaintiff from one book from a New York library **against the Plaintiff's known desires.** This was done after March 7, 2010 despite spending hundreds of thousands in legal fees against this Plaintiff to continue NAKED image broadcasting for profit in addition to the millions spent in legal fees or offered artists in New York to revise copy[rite] law and claiming there to rewrite federal copy[rite] laws in United States Courts for the Southern District of New York in violation of the common law rights of the Plaintiff and others similarly situated. The offensive book "preview" was withdrawn by Google Inc but damages should still be paid for this wrong to punish Google Inc for the organized criminal business.

2. This negligent and harassing criminal action by Google Inc was done while litigating against this Plaintiff for the undesired redisplay of Plaintiff's NAKED artwork and caused this Plaintiff further harm by creating another three harassing invasions of privacy protected by common law and the Constitution. These were violations of exclusive common law rights and were unauthorized republication of NAKED book artwork in the **radio and wire** mediums. Publication was done by the Plaintiff in only the book medium. Viewing these NAKED image publications required physical encounters with the book and not simply typing "curtis neeley" into computers connected to wires networked **ANYWHERE** on Earth using Google Inc.

3. This criminal republication to minors was thousands of miles from the book in New York. The Plaintiff's teen daughter or other minor searchers would never encounter this particular NAKED visual art in a book on photo art in New York.

4. This was a fundamental violation of privacy by Google Inc that is constitutionally protected and protected by common law in Arkansas according to the opinion of the Arkansas Attorney General. See Arkansas Attorney General Opinion No. 96-161 in docket #5 attachment #3 Exhibit "C". For common law tort grounds see *Dunlap v. McCarty*, 284 Ark. 5, 678 S.W. 2d 361 (1984). For constitutional grounds see *McCambridge v. City of Little Rock*, 298 Ark. 219, 766 S.W. 2d 909 (1989).

5. Congress agreed this manner of privacy violation was forbidden by Treaty in 1988 and again in 1994. Unwavering Berne Convention compliance was ruled constitutional on January 18, 2012 in *Golan v Holder*,(10-545) despite self-serving *amici* opposing these finding by Google Inc.

6. The fair-use exceptions of 17 USC §107 to the exclusive rites for using visual contributions to books have been unconstitutionally vague since 1976 when created. Fair-use makes it impossible for common people to understand or agree on this law as is required for all laws.

7. Besides unconstitutional vagueness; §107 violates the accepted treaty of the "Berne Convention for the Protection of Literary and Artistic Works" despite the recent *Golan v Holder* ruling calling the "Berne Convention" the copy[rite] law accepted by Congress clearly counteracting the Supreme Court mistakenly rejecting common law human copy rights in *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834). This mistake was a century before Congress invalidated this mistake passing 42 §1988.

8. The 17 USC §107 claim does not consider unwanted additional publicity and even world-wide publicity for reformed indecent NAKED image authors thereby violating privacy and the right to remain silent about past creations of indecency without criminal convictions like sex offenders or other such rational for requiring public registry of past indecent actions and thereby violating this Plaintiff's privacy.

9. The fair-use exceptions of 17 USC §107 to the publishing rite for NAKED art have never been fair and have **always** been unconstitutional. **Any name-associated rebroadcast** of NAKED art causes expanded publication and violates the Constitutional right to be secure in the person and remain silent and resist expanded dissemination of prior indecent creations or unauthorized use of the personal name "*to the disgrace and against the will of the author; propagat[ing] sentiments under his name, which he disapproves, repents and is ashamed of*.". Quoting Honorable Lord Mansfield in *Millar v Taylor* (1769) 98 ER 201 at 252.

V. FCC Decency Regulation nonfeasance

1. Protection of anonymous citizens from exposure to indecent **radio and wire** communications broadcasting is a legitimate state interest mostly IGNORED for decades though ordered protected by 47 USC §151. It is absurd and shows nonfeasance when the FCC allows 47 §230(c)(1) to be repeatedly misinterpreted by Federal Courts diametrically opposed to the clear intentions and title of the Communications Decency Act and the "Good Samaritan" section 47 §230(c)(1).

2. The law intended by Congress to promote communications decency instead was cited by the FCC, this District, and Google Inc to traffic NAKED art once created by the Plaintiff before simultaneous **radio and wire** communications broadcasting was disguised as the "*interactive network or interconnected network of interactive computer networks"* and christened **"inter"+ "net"** by *ACLU v Reno,* (96-511) in clear error as could not be made more clear or be pointed out more than done herein.

3. The responsibilities for production, trafficking, and **consumption** of NAKED content or defamatory content is unconstitutionally waived for all laws by 47 USC §230(c)(1) allowing utterly unregulated speech in violation of the clear natural right to be free from defamation and computer frauds. 47 USC §230(c)(1) invalidates common law copy right and permits privacy violations proscribed by numerous State laws as well as 47 USC §151. United States laws are entirely ignored by the FCC as could not be more clearly wrong and could not be brought more squarely before United States Courts than done and ignored by Lord Honorable Jimm Larry Hendren to promote his own and others continued **anonymous access to pornography**.

9. Plaintiff seeks only common sense regulation of **radio and wire** communications when broadcast. Google Inc advised of having clear institutional interests in preventing identification of searchers looking for NAKEDNESS before Honorable Erin L. Setser in Western District of Arkansas on Dec 10, 2010. *See* (5:09-cv-5151) Dkt. #216

CONCLUSION

1. FCC Commissioners should be ordered to pay actual compensatory damages, measured by pecuniary injuries sustained herein after trial. Google Inc and Microsoft Corporation should pay punitive monetary damages as the jury feels is just per 47 USC §605(*Unauthorized publication or use of communications)* and per 18 USC §2511(*Interception and disclosure of wire, oral, or electronic communications prohibited)* per indecent image remaining associated with "curtis neeley" per day left accessible after first advised consistent with 47 §231 before judicially repealed.

2. Damages ordered paid by Corporate Defendants should be heavily impacting due to ignoring vociferous advisement regarding unwanted NAKED image-text associations and even expanding these violations while facing the Plaintiff in Federal Court. Google Inc and Microsoft Corporation should also compensate the Plaintiff due to non-fiduciary losses increasing the fiscal award. These embarrassing damages will be further explained in person before the jury. FCC Commissioners should now pay compensatory fiscal damages for allowing these unsafe crimes and failing to assert anything but improper venue as should be considered an admission of nonfeasance.

CONCLUSION cont

3. This prayer seeks only the "right thing" being done and thereby finally establishing pervasive **radio and wire** communications broadcasting as the border-less medium independent venue safe for unsupervised children and pornography addicts and for free speech including speech not the least bit acceptable for unsupervised children but protected for identified responsible adults willing to identify as contactable adults so ages may be checked by the "*adult claim verification officers"* of the FCC or the owner of the computer or other devise used to view **radio and wire** communications broadcastings of NAKEDNESS.

4. The FCC should be ordered to protect minors and pornography addicts from anonymous access to harmful simultaneous **radio and wire** communications broadcasting or be ordered to cease nonfeasance. This protection is the currently ignored duty related to free speech, privacy, authors' rights, and regulation of pervasive public **radio and wire** communications broadcasting. The wire medium for broadcasting has been unregulated and left unprotected since 1978 or long before the simultaneous usage of two mediums was called "*unique and wholly new medium for human communications*" in egregious error that could not be more wrong or be brought more squarely to this court due the senility of "Lord" John Paul Stevens.

5. Indecent adult-only communications will continue **safely** via **radio and wire** communications broadcasting but the Plaintiff prays it be ordered prohibited by the FCC for anonymous persons to receive NAKED wire communication broadcasting as has been trivial now for decades. The 47 USC §231 identity requirement for viewing NAKEDNESS is supported for even controversial and vaguely indecent subjects by *Doe v. Reed*, (09-559) when legitimate state interests are served.

CONCLUSION cont

6. All spouses and all parents on Earth have been left exposed to harm by access to pervasive but unsafe anonymous NAKED image communications provided by both corporate Defendants in an organized criminal business policy.

7. Roughly half the damages awarded will be taxes paid to the United States and offset taxes though this is not a class action. See 21 USC §848 "Continuing criminal enterprise".

8. The jury should award the Plaintiff enough punitive damages to impact the United States budget. Each corporate Defendant is seeking to continue criminal NAKED content trafficking to the anonymous as is improper and clearly against US law and common sense and has been obvious for decades.

9. The scourge of pornography on families will become treatable soon after anonymous access to NAKED artwork is prohibited by the FCC as is now sought ordered by an order to cease nonfeasance or illegal non-conduct. This regulation will quickly end all simultaneous **radio and wire** child pornography and quickly establish "SAFcc" distant communications broadcasting once ensured by the Communications Act of 1934 but generally opposed by the elderly Judicial Branch.

10. Defendant Microsoft Corporation responded to the Plaintiff and demanded the injunction now sought though Microsoft Corporation did not oppose the Plaintiff before this complaint was filed like Defendant Google Inc did vociferously.

CONCLUSION cont

11. Google Inc opposition resulted in the moral copy[rite] of 17 USC §106A being ruled to not apply to simultaneous **radio and wire** communications in an affirmation of senility beginning to affect Lord Most Honorable Jimm Larry Hendren. This improper ruling should have no impact on the common law moral rights of this Plaintiff to punish for republication of NAKED art and association of NAKED art with the Plaintiff's personal name per 42 USC §1988 since Congress therein clearly restored common law moral human copy rights that remain unprotected despite the unfulfilled Constitutional provision for Congressional protection of author's rights. See ignored Constitution Article I, Section8, Clause 8.

12. Google Inc made it a company policy for years to protect the continued delivery of NAKEDNESS to the unidentified as is criminal and thereby created a market for unsafe indecent **radio and wire** communications broadcasting using the oldest lure given to humanity and offering an increase of NAKED knowledge. The pervasive lure of NAKEDNESS was presented by Google Inc through by delivery on simultaneous **radio and wire** communication network broadcasts instead of fruit left hanging on one "*forbidden tree*".[7]

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[7] [15] The Lord God took the man and put him in the Garden of Eden to work it and take care of it. [16] And the Lord God commanded the man, "You are free to eat from any tree in the garden; [17] but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die." <^^ Genesis Chapter II

[4] "You will not certainly die," the serpent said to the woman. [5] "For God knows that when you eat from it your eyes will be opened, and you will be like God, knowing good and evil."

^^ Genesis Chapter III ^^^From chapter II and III of Holy Bible, New International Version®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.® Used by permission.
[18]

CONCLUSION cont

13. Defendant Google Inc spent hundreds of thousands in legal fees and adamantly refused to stop trafficking Plaintiff's NAKED art and other associated NAKED art to children and pornography addicts for profit while facing the Plaintiff in United States Courts. Microsoft Corporation admitted being made aware of obscene text-image associations and continues these improper NAKED associations for profit as well.

14. This District Court should invalidate all usage of 17 USC §107 fair-use to violate privacy while trespassing on private computers and indexing computers uninvited or how Google Inc chooses to steal NAKED content. This Court should invalidate 47 USC §230 preclusion for violations of privacy violating the rule of law.

15. 47 USC §230 was used by Defendant Google Inc to ignore advisement of obscene or indecent text-image associations by the Plaintiff as well as unsafe speech sought censored recently by the White House in the interest of unregulated free speech by Google Inc. It is well past time for this United States Court to order regulation of all communications broadcast in commerce in the Western District of Arkansas by the FCC since unconstitutional laws like 47 USC §230 can preempt absolutely no other laws but are currently allowed to do this by mistake.

CONCLUSION cont

16. This action will not be resolved finally without scores of *amici* filed as the District Decision is appealed to the Supreme Court. Still; This District Court has authority to resolve this complaint by injunctions demanding resuming regulation of **radio and wire** communications broadcasts entering or leaving the Western District of Arkansas and findings of liability for Google Inc and Microsoft Corporation with a jury instructed to determine the PUNITIVE award paid by each Corporate Defendant and FCC Commissioners be ordered to pay actual compensatory damages, measured by pecuniary injuries sustained herein after trial.

17. Unsafe **wire or radio** communications should be ordered prevented by the FCC in the Western District of Arkansas since jurisdiction was vested here by 28 USC §2675(a) due to the years of failing to address this complaint. This demand will end the careers, political or otherwise, of anyone even acknowledging this complaint including all media and everyone notified. This is the primary rational for aging United States Courts to remaining beholden only to law.

18. The Supreme Court was wrong in *Susan B. Anthony v United States* (1873) and the fine levied for voting while female was ignored by Susan B. Anthony though preceding suffrage by forty-eight years. Ms Anthony remains the only person in history fined $100 by US Courts for voting straight republican ticket. Lord honorable Jimm Larry Hendren was **just as wrong herein** but is currently supported by ruling cohorts within the oligarchy of US Courts defending leadership beyond age 65 after becoming too elderly for culture impacting decisions due to culture change.

CONCLUSION cont

19. The Supreme Court was just as wrong in *ACLU v Reno* (1996) as the Supreme Court was in *Susan B. Anthony v United States* (1873). This clear error has been used by Google Inc and Microsoft Corporation for ridiculous profits and the FCC uses *ACLU v Reno* (1996) to allow unsafe distant free speech counter to 47 USC §151.

20. Unsafe indecent speech made in the Plaintiff's past now causes vulgar art once published nearby to be associated with the Plaintiff by both Microsoft Corporation and Google Inc. These wrongs must not be allowed to continue in the Western District of Arkansas and must now be punished by an Arkansas jury. Arkansas was one of the first states to use cable television wires left unregulated by FCC nonfeasance due to the rugged mountainous local terrain and is therefore an ideal venue to end Federal Communications Commission nonfeasance.

Failure is impossible,

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