

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

Curtis J Neeley Jr., MFA

Plaintiff

v

CASE NO. 12-5208

BY

**Federal Communications Commission,
Microsoft Corporation,
Google Inc.**

Defendants

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED
DEC 17 2012
CHRIS R. JOHNSON, CLERK
DEPUTY CLERK

**OPPOSITION TO DOCKET #16
(GOOGLE INC.'S MOTION TO DISMISS)**

Defendant Google, Inc. ("Google") moved the Court to dismiss Plaintiff's Amended Complaint with prejudice pursuant to 1) the principle of res judicata, 2) FED. R. CIV. P. 12(b)(6) because it fails to state a claim, and 3) because it is frivolous, malicious, vexatious, and fails to comply with FRCP Rule 11. These rational do not properly apply to the Amended Complaint.

The Amended Complaint seeks redress for clear violations of Plaintiff's privacy by Google and asserts privacy to be protected by common law and the Constitution in Arkansas. See opinion of the Arkansas Attorney General 96-101 in Amended Complaint's exhibit "C".

This District Court dismissed (5:12-cv-5074) without prejudice saying:

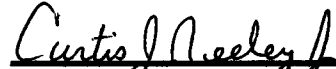
Plaintiff failed to explain how publishing his artwork places him in a negative false light, nor alleged any falsity associated with the artwork or any malice in the manner it was published.

The preceding is from *Neeley v NameMedia Inc et al*, (5:12-cv-5074) docket #21 and these concerns are now properly addressed.

Plaintiff believes this District Court should not grant Docket #16 or "Google Inc's Motion to Dismiss" due to Plaintiff's bringing valid new claims that are neither frivolous nor precluded by any properly applied legal rational and Plaintiff's correcting the prior deficits listed. A Brief in Support is filled concurrently with this Motion Opposing Docket #16 and further describes the rational for not granting Docket #16. The Motion to Dismiss was made in an honorable manner in stark contrast to the improper temper seen in Docket #14 by Microsoft Corporation. Should the Google Inc Motion to Dismiss nevertheless be granted; The Plaintiff prays the District Court grant the requested order barring Plaintiff from further pursuit of Google Inc without prior Court approval if the Court grants ANY portion of the lengthy "Motion to Dismiss" thereby ending the Plaintiff's duty to the honorable public to end "*WEB*" pornography and nude art trafficking to the anonymous in this venue.

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

Respectfully Submitted,

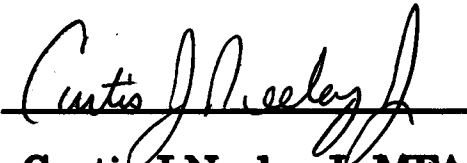

Curtis J Neeley Jr., M.A.

CERTIFICATE OF SERVICE

I, Curtis J. Neeley Jr., MFA, do hereby certify that on December 17, 2012, I filed the forgoing personally and the District Clerk will scan this and make it accessible via CM/ECF. Furthermore; every docket entry of Neeley Jr v FCC et al, (5:12-cv-5208) will be accessible by wire communications perpetually including a free mirror of the District Court Docket with freely provided electronic copies of every filing. The docket will be updated within 24-hours after any paper is filed by Neeley and can be accessed from the following UnRegulated Locations. (URLs)

1. CurtisNeeley.com/FCC/Neeley-Jr_v_FCC-et-al.htm
2. CurtisNeeley.com/FCC/New_GOOG_exhibits
3. CurtisNeeley.com/FCC/New_MSFT_exhibits

URL #1 is the mirror of the Docket. URL #2 is the password protected directory with access to all exhibit files prepared that are not accessible at URL #3. The username for logging in is "adult" and the password is "YeS" and proper case is required. These PDFs are often indecent or obscene and all access is logged.


Curtis J Neeley Jr MFA