

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

Curtis J Neeley Jr., MFA

v

CASE NO. 12-5208

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

US DISTRICT COURT
Plaintiff WESTERN DIST ARKANSAS
FILED

JAN 28 2013

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk

Defendants

**SUPPLEMENTAL BRIEF SUPPORTING
THE MOTION FOR LEAVE TO FURTHER
AMEND THE AMENDED COMPLAINT**

Introduction

There are currently two near-frivolous Motions to Dismiss and one near-frivolous Motion for Rule 11 Sanctions. These will soon be denied and resolved. A Partial Summary Judgment Motion will be sought after Federal Communications Commissions answers or Moves for Dismissal.

1. Granting Leave to Amend should not have increased costs for any party besides the Plaintiff. Google Inc and now Microsoft Corporation filed a near-frivolous opposition. Microsoft Corporations opposition alleged the Local Rule as improper. The Second Amended Complaint is now more clear and Exhibit "Second Amended Complaint" now attached.

2. The Order Granting Leave to Amend the Complaint is prayed to now include denying the three near-frivolous pending motions of dockets (14, 16, 36). The prior supporting exhibits are sought included by reference as well as docket #49 exhibit "URL wire communications" in order to give the public an overview of the history of unregulated wire-line communications ("URLs").

3. Leave to amend will be in the interest of justice as well as the interests of disclosing the phenomenal impact this litigation will have on free speech **for the entire Earth** and not just on free speech in this District. Personal responsibility for pervasive distant public speech per 47 USC §151 remains the public's best interest in 2013 just as this was in 1934.

This Action should end the EVIL [sic] "open internet" for the entire Earth.

4. "Fair-use" individual abuse due unconstitutional 17 USC §107 and inappropriate misuse of 47 USC §230(c)(1) are NOT in the best interests of the public or this Plaintiff. Concise rational supporting granting leave to amend to preserve justice will follow.

ARGUMENT

1. Google Inc must still answer for the prior trespass of Plaintiff's personal private decisions to use <redbubble.com> and <deviantart.com> to sell naked images as art by presenting these online while complying with the **identity filtration sought required by 47 USC §231**. These were violations of 47 USC §605 and common law "copy" rights by Google Inc trespassing on Plaintiff's private choice to bar anonymous viewers.
2. Google Inc continues now to violate the identity filtration sought and is nothing more than a content re-publisher using unconstitutional 47 USC §230(c)(1) to hide liability behind the sources of the harvested content stolen using **unconstitutional 17 USC §107**.
3. Plaintiff was very careful to clear <creative-nude.net/cnfn.html> of ALL usage of "curtis neeley" as can be seen. Numerous "cache update" requests were done by the Plaintiff. Google Inc refused to remove <creative-nude.net/cnfn.html> from the unregulated locations associated with "curtis neeley" and this continues to this day violating Plaintiff's privacy and abridging Plaintiff's free speech. See attached Exhibit "153 removal requests" or using "adult" and "YeS" as follows. <curtisneeley.com/FCC/New_GOOG_exhibits/01-24-2013/153_removal%20requests.pdf>.
4. Microsoft Corporation has no cache update request process as is reckless and was thought already plead as a wrong. Google Inc now joins Microsoft Corporation in continued reckless association of text-image associations of "curtis neeley" with indecent images seen in the commercial usage documented in Dkt. #51 exhibit "CNN". This type exposure of the anonymous **was intended prohibited by 47 USC §231**.
5. Per Microsoft Corporation objection to Local Rule; The Plaintiff has prepared the Second Amended Complaint and seeks no special favor as *pro se* as remains a legal disadvantage.

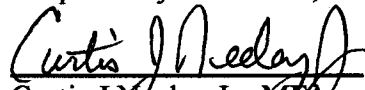
6. The Plaintiff believes justice demands ALL pervasive distant communications be made safe just as all distant communications once had safeguards established by the Federal Communications Commission. The whole body of human communications will be accessible to all humans soon. This will require first making simultaneous wire communications and radio communications safe for the anonymous public.

7. Leave to file the Second Amended Complaint is now sought granted. The severely brain injured Plaintiff hopes Defendants further study the legal principle of *res judicata*. This principle was why violations of Plaintiff's past personal choice to use <photo.net> are not now included. Corporate Defendants obviously hope this District Court will treat the entire [sic] "Internet" like one remote computer. This would be like treating all "car lots" selling cars as the same "car lot" despite selling different brands of cars and being located in other towns or even other countries. The owner of <redbubble.com>, RedBubble Pty. Ltd., is an Australian company and allowed 47 §231 identity filtration that Google Inc violated as was never addressed by ANYONE but remains a tort included in the Second Amended Complaint.

8. The Plaintiff regrets NameMedia Inc removing the 47 §231 identity filtration to increase ad revenue at <photo.net> as was harmful and wrong. This should have been brought previously and can't now be added due to the collateral *estoppel* type of preclusion rather than *res judicata*.

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Respectfully Submitted,

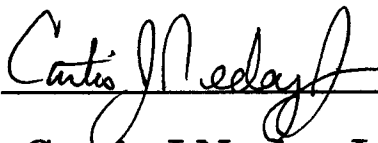

Curtis J Neeley Jr., MFA

CERTIFICATE OF SERVICE

I, Curtis J. Neeley Jr., MFA, do hereby certify that on January 28, 2013, I filed the forgoing personally. 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