

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 12-CV-5208-JLH
)	
FEDERAL COMMUNICATIONS)	
COMMISSION, MICROSOFT CORP.,)	
and GOOGLE INC.,)	
)	
Defendants.)	

**FEDERAL COMMUNICATIONS COMMISSION'S
MOTION TO DISMISS AMENDED COMPLAINT**

The Federal Communications Commission respectfully moves this Court to dismiss plaintiff Curtis J. Neeley, Jr.'s Amended Complaint for lack of subject matter jurisdiction, pursuant to Federal Rule of Civil Procedure 12 (b)(1), and for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). A Memorandum in support of this Motion is attached.

CONNER ELDRIDGE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I, Claude S. Hawkins, Jr., Assistant U.S. Attorney for the Western District of Arkansas, hereby certify that on February 5, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System. I further certify that I have mailed a copy of the foregoing to the following non CM/ECF participant:

Curtis J. Neeley, Jr.
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/s/ Claude S. Hawkins, Jr.
Claude S. Hawkins, Jr.
Assistant United States Attorney