IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA **Plaintiff**

v

CASE NO. 12-5208

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

MOTION FOR RECONSIDERATION OF DOCKET #58 RULINGS

INTRODUCTION

1. The [sic] "internet" exists only as an ***imaginary construct*** or label for Google Inc, Microsoft Corporation, or other private "search engine" databases *representing* individual presentations on various remote computers world-wide attached to wires using the same communications protocol. Simultaneous wire and radio communications ARE called [sic] "internet" for disguise or to justify abuse of discretion and was used to distort when Honorable Jimm Larry Hendren continued to use the term [sic]"internet" (six times) in docket 58 as if this ***imaginary construct*** was one remote computer or other mysterious place or thing. The [sic] "internet" is not a thing or a place and has never been one remote computer or a thing that can be searched. United States law will eventually adapt to this truth just like adapting to prohibit slavery and allowing women to vote.

2. Justice John Paul Stevens created the ***imaginary construct*** of [sic]"internet" with his culturally irrelevant error in *Reno ACLU*, (96-511) four years before declaring "senior status". Honorable Jimm Larry Hendren now joins Justice John Paul Stevens in failing to recognize the [sic]"internet" to be nothing more than a new method for using wire and radio communications.

3. One Justice wrote errors of fact in text and once created the [sic]"internet". POOF Now Honorable Jimm Larry Hendren perpetuates the [sic]"internet" as a venue for indecent image display to the anonymous or a safe venue for child pornography or other "*artistic legal*" pornography like once done by the Plaintiff.

4. . The slang ***imaginary construct*** of [sic] "*internet*" and the slang ***imaginary construct*** known as [sic] "copy*right*" together cause United States laws to violate NATURAL human rights and fail to secure NATURAL human freedoms protected in most other modern nations. The NATURAL right to control name-association with original visual creations "*for a limited time*" was sought protected as well as the NATURAL right to repent with a history in written common law protections older than the United States.

5. The common law rights and natural law rights of this Plaintiff to exclusively control use of the personal name when associated with art sales are **far more secure** than any false-light privacy violation Honorable Jimm Larry Hendren tried to use and is supported by common law mis-appropriation of the personal name for unauthorized commercial sales in Arkansas.

6. The Plaintiff wishes to enforce the NATURAL right to avoid damages to reputation via the Rule of Law instead of NATURAL laws and violence. This law is more solidly anchored in written law than even the Constitution or Declaration of Independence.

NEELEY I

Neeley v Namemedia Inc, et al, (09-cv-5151) was wholly different and not the same in ANY way as *Neeley Jr v FCC, et al*, (12-cv-5028). Honorable Jimm Larry Hendren referring to this as a sequence of movie titles in Docket #58 reveals an abuse of discretion or searching to find *res judicata.* Calling images of NAKED humans instead to be "*nude*" images reveals an ethical acceptance of the NAKED form in advance if only these NAKED forms are adults or other "*wholesome American pornography*".

NEELEY II

Neeley v Namemedia Inc, et al, (12-cv-5074) was wholly different and not the same in ANY way except in the failure to recognize that Namemedia Inc should have been barred by issue preclusion. Honorable Jimm Larry Hendren's referring to this as the second in a sequence of movie titles reveals an abuse of discretion and desire to find *res judicata.*

NEELEY III

1. *Neeley Jr v FCC, et al*, (12-cv-5208) perhaps should have been called *NEELEY II* since this claim involved the same parties and different claims. "D i f f e r e n t" and "u n r e l a t e d" claims do not support *res judicata* or any other preclusion. These claims are not frivolous and the fact that these text-image associations ceased at one time does not make this claim frivolous.

2. It was improper for the Honorable Jimm Larry Hendren to call this claim frivolous and violating of FRCP Rule 11 because violations of fundamental rights must be "P U N I S H E D" even if these violations have ceased. [sic]"*Neeley I*" addressed one case where the Statute of Limitations precluded punishment of one party. Evidence and witnesses for the prior wrongs are available or were included before one District Court that was predisposed to dismiss despite no Statute of Limitations.

CONCLUSION

1. The Supreme Court ruled in error in *Reno v ACLU,* (96-511) and created the imaginary construct known today as [sic] "internet" that was used by this court six times in Docket #58 referring to some imaginary place to be searched or some imaginary place that might be regulated.

2. The ruling in *Neeley v Namemedia Inc, et al,* (5:09-cv-5151) or *[sic] "Neeley I"* rendered the imaginary United States construct of [sic]"copy*right*" nothing more than a ritual created by lawyers and judges to approximate the fundamental common law right of humans to control original visual art "*for a limited time*" like is protected by most civilized nations on Earth for the lifetime of the artist plus seventy years. The results of [sic] "*Neeley I*" is that the United States is no longer Berne Compact compliant despite treaty and the *Golan v Holder* (10-545) holding and this did not warrant comparing this to *Neeley Jr v FCC, et al,* (5:12-cv-5208).

3. The Plaintiff notes with exhibit "A" that one original naked image done by the Plaintiff in the past now returns on page one of searches of the *mysterious* [sic] "internet" that is nothing but a search of Google Inc owned computers. This embarrasses the Plaintiff and is returned in searches for "curtis neeley nude" because of the "*hidden*" alt text HTML tag that is no longer supported by Wikipedia Foundation. This is malicious and/or reckless of Google Inc like can be seen repeatedly in Docket 51 Exhibit "CNN" or be further ignored. Google Inc refuses now to stop this despite being requested. This mis-appropriation of the personal name must be "*p u n i s h e d*" and 42 USC §1988 allows this to be done now via common law like suggested in Wheaten *v Peters,* (1843).

4. Thirteen plus pages of single-spaced text or the source of exhibit “A” contains the following lines of code. This does not address this District Court **failing to address the “Unauthorized publication or use of communications”, done and continued by Defendant Google Inc on two websites** and clearly plead as a wrong but not addressed. See 47 USC § 605.

“google_ad_client = "ca-pub-1779427003430858";
/ article-top */*
google_ad_slot = "1991020974";
google_ad_width = 468;
google_ad_height = 15;

5. This is indisputable proof that Google Inc is using or was using the Plaintiff's personal name to sell commercial advertisement as is prohibited by common law regarding privacy in the state of Arkansas (appropriation) and creates no need to assert malice or assert any type false-light as can be seen or ignored further in Docket 51 Attachment #1 Exhibit “CNN” including these searches and the presentation cited as this source as is a fraudulent use of computers..

MICROSOFT CORPORATION RESULTS

1. These EXACT type results are documented for Defendant Microsoft Corporation and are part of the record already but were not considered at all though not bypassing adult filtration like **Google Inc did and still does today** as was not considered.

2. Microsoft Corporation used the Plaintiff's personal name and continues this for unauthorized sales associating “curtis neeley” with NAKED images after advised of this WRONG (appropriation) as can be seen or ignored further in Docket 30 Attachment #3 Exhibit “CNNet” including these searches and the presentation cited as this source as are fraudulent use of computers plead on pages (#10 ¶6, #14 ¶3, and #17 ¶13) of the Second Amended Complaint.

FCC RESULTS

1. The Plaintiff will pursue the FCC in the Appellate District of DC and seek to end the malfeasance of this United States Agency but will not seek this as anything besides challenges to Federal Communications Commission rule-making.

PRAYER

The Plaintiff does not like like calling this a Motion for Re-consideration since it is clear some of these claims were never considered. Perhaps Honorable Jimm Larry Hendren did not feel like considering these claims due to being predisposed to reject this Plaintiff based on the Plaintiff's prior improper tenor that has not been repeated. The Plaintiff prays the District Court examine this Motion and Reconsider the errors of Docket #58. This particular ruling is clear abuse of discretion and will otherwise be appealed though this will cost all parties and does not serve justice. Dismissing Google Inc and Microsoft Corporation were the only two clear errors and these two clear errors can be addressed by reconsidering these and scheduling a trial. A jury may still rule in favor of Google Inc and Microsoft Corporation but this Plaintiff reserves the right to trial by jury as is the epitome of fairness guaranteed by the Constitution.

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Respectfully Submitted,

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