

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

U.S. DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

Curtis J Neeley Jr., MFA

Plaintiff

NOV 09 2012

v

CASE NO. 12-5208

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk

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

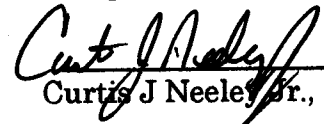
Defendants

Supplement
AFFIDAVIT OF SERVICE

Curtis J Neeley Jr affirms delivery of the three summons issued by this court, (Docket # 7), to the United States Post Office for shipping paid for confirmed delivery as seen evidenced in the attached exhibit "USPS". The Summons, Magistrate Consent Notice, and the Amended Complaint (Docket #5) with attachments (# 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) that are filed with this District Court were sent along with "Notice of Perpetual Availability by Wire Communications" as seen reproduced in exhibit "USPS".

The United States Attorney for the Western District of Arkansas was served on November 7, 2012. Richard Welch Esq of the Federal Communications Commission (FCC) asked that service be delivered to the United States Attorney and answers are therefore due from the FCC on January 8, 2013. The FCC was served again on November 9, 2012 as was the US Attorney General. Any intervention would be due January 10, 2013. The United States is not a party but has interests in defending uses of 47 USC §230(c)(1) and 17 USC §107 as are clearly sought recognized as unconstitutional when applied to violate privacy.

Respectfully Submitted,


Curtis J Neeley Jr., MFA

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

Exhibit

“USPS”

Exhibit

“USPS”

Curtis Neeley Jr.

From: Richard Welch <Richard.Welch@fcc.gov>
Sent: Friday, November 09, 2012 10:40 AM
To: 'curtis@curtisneeley.com'
Cc: Jacob Lewis; Susan Launer
Subject: RE: Thanks for the information I requested re Neeley v FCC et al

Mr. Neeley,

We received your email with the attached complaint. Pursuant to Rule 4(i)(1) of the Federal Rules of Civil Procedure, a summons and complaint against a federal agency must be served on both the United States and the agency. The instructions for serving the United States are set forth in Rule 4(i)(A)(i) and (ii). The instructions for serving the agency, in this case, the Federal Communications Commission, are set forth in Rule 4(i)(2). Again, you must serve the FCC with both a summons and Complaint. The rule provides that service must be by registered or certified mail, however, we are willing to accept your summons and complaint by regular mail. The email that you sent with the attached complaint, however, does not constitute service because it does not have a summons. While the FCC is willing to accept service by regular mail, we can not speak for the Department of Justice. They require that the summons and Complaint be served in accordance with Rule 4(i)(1)(A)(i).

Again, I set forth the correct address below for mailing the summons and complaint:

Federal Communications Commission
Office of General Counsel
Litigation Division, Room 8-B724
445 12th Street, S.W.
Washington, D.C. 20554

Thank you.

From: Curtis Neeley Jr. [mailto:Curtis@CurtisNeeley.com]
Sent: Thursday, October 18, 2012 9:31 PM
To: Richard Welch
Cc: Jacob Lewis; Susan Launer
Subject: Thanks for the information I requested re Neeley v FCC et al

Richard Welch Esq, Jacob Lewis Esq,

I just listened to CBS v FCC oral argument made by Jacob Lewis Esq. I heard Robert-Corne Revere Esq repeatedly cite *Pacifica* as "*under Pacifica*" as if it were a statute and not just an archaic interpretation of statute. The District Court Judges then supported "*under Pacifica*" as indeed a throwback but a "*Supreme Court*" throwback worthy of being referred to.

Jacob Lewis Esq did a good job but still repeatedly referred to *Pacifica* as a source of authority. I argue tactfully in my complaint that *Pacifica* was correct in 1978 but correct only at the time. I then attempt to call *ACLU v Reno* a mistake made by

Mr. Neeley,

Per your request, I am sending you the following information.

If you wish to mail a federal district court complaint to the FCC, the mailing address is:

Federal Communications Commission
Office of General Counsel
Litigation Division, Room 8-B724
445 12th Street, S.W.
Washington, D.C. 20554

As I mentioned, when someone files a lawsuit against the Federal Communications Commission in a federal district court (as you say you have), the FCC is represented by the United States Attorney for the district in which the suit is filed. The FCC typically does not represent itself in such lawsuits.

My email address is Richard.Welch@fcc.gov. I am the Deputy Chief of the FCC's Litigation Division with responsibility for appellate litigation in the federal courts of appeals.

My colleague, Susan Launer, is the Deputy Chief of the FCC's Litigation Division with responsibility for federal district court matters. Her email address is Susan.Launer@fcc.gov.

I hope this information is helpful to you.

Curtis Neeley Jr.

From: U.S._Postal_Service_ <U.S._Postal_Service@usps.com>
Sent: Thursday, November 08, 2012 5:41 PM
To: CURTIS@CURTISNEELEY.COM
Subject: USPS Shipment Info for 0311 2550 0003 6176 4365

Follow Up Flag: Follow up
Flag Status: Flagged

This is a post-only message. Please do not respond.

CURTIS NEELEY has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 0311 2550 0003 6176 4365

Service Type: Priority Mail Delivery Confirmation

Shipment Activity	Location	Date & Time
Delivered	LITTLE ROCK AR 72201	11/08/12 9:28am
Arrival at Post Office	LITTLE ROCK AR 72202	11/08/12 5:35am
Depart USPS Sort Facility	LITTLE ROCK AR 72206	11/07/12
Processed through USPS Sort Facility	LITTLE ROCK AR 72206	11/07/12 4:16pm
Depart USPS Sort Facility	FAYETTEVILLE AR 72701	11/07/12
Processed at USPS Origin Sort Facility	FAYETTEVILLE AR 72701	11/06/12 7:12pm
Dispatched to Sort Facility	FAYETTEVILLE AR 72703	11/06/12 6:19pm

Curtis Neeley Jr.

From: U.S._Postal_Service_ <U.S._Postal_Service@usps.com>
Sent: Thursday, November 08, 2012 5:41 PM
To: CURTIS@CURTISNEELEY.COM
Subject: USPS Shipment Info for 0311 2550 0003 6176 4389

Follow Up Flag: Follow up
Flag Status: Flagged

This is a post-only message. Please do not respond.

CURTIS NEELEY has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 0311 2550 0003 6176 4389

Service Type: Priority Mail Delivery Confirmation

Shipment Activity	Location	Date & Time
Delivered	LITTLE ROCK AR 72201	11/08/12 8:12am
Arrival at Post Office	LITTLE ROCK AR 72202	11/08/12 4:58am
Depart USPS Sort Facility	LITTLE ROCK AR 72206	11/07/12
Processed through USPS Sort Facility	LITTLE ROCK AR 72206	11/07/12 4:22pm
Depart USPS Sort Facility	FAYETTEVILLE AR 72701	11/07/12
Processed at USPS Origin Sort Facility	FAYETTEVILLE AR 72701	11/06/12 7:13pm
Dispatched to Sort Facility	FAYETTEVILLE AR 72703	11/06/12 6:19pm