

No. 10-2255

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**In The  
United States Court of Appeals  
For the Eighth Circuit**

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**Curtis J Neeley JR., MFA**  
*pro se party*

*Petitioner,*

v.

**Network Solutions LLC  
NAMEMEDIA INC  
Google Inc**

*Respondents.*

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**Regarding the Interlocutory Appeal from  
The United States Court  
for the Western District of Arkansas**

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**PETITION OF APPELLANT FOR REHEARING  
AND REHEARING EN BANC**

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Curtis J Neeley Jr.  
2619 N Quality Ln Ste 123  
Fayetteville, AR, 72703-5523  
479-263-4795

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## QUESTIONS INVOLVED

1. How can the FCC be allowed to continue nonfeasance by not regulating communications transmitted by wire since communications by wire came to be called the Internet? Why must United States citizens be required to adapt and filter wire communications or avoid the Internet due this bald refusal to recognize p. 8 ¶ 51 of the Communications Act of 1934?
2. How can a District Court Ruling contrary to Supreme Court Ruling of March 24, 2010 be allowed to begin statutory limitations as a defense to accrue from initial trespass date for repeated actions? *See Lewis v. Chicago*, (08-974)
3. How can a District Court's Ruling that was clearly in error due to illogically misinterpreting ACA 16-56-116 be allowed to not permit tolling due to multiple disabilities not described accurately in the statute? The Court alleged "more-than-two" to have once intended permitting redress to insane minors in prison outside Arkansas. This error was used by the Court to deny Seventh Amendment Rights recognized in the Sixth Circuit? No insane minor has ever been in a penitentiary ANYWHERE.
4. How can a District Court Ruling contrary to the Supreme Court precedence permit outrageous defamation to continue and not allow ALL parties responsible for defamation or failing to halt defamation due to perpetual nonfeasance of failing to regulate communications by wire as is described in legislation that created the Federal Communications Commission. These should be added to the claim.
7. The Eighth circuit Court extended the time the Appellant was defamed by extending the time allowed for filing Appellee Briefs and yet felt that locking the filed exhibits from being publicly displayed on PACER was necessary? The images are returned to children who simply type their father's name into a search engine or when their friends or anyone does.
8. A preliminary injunction is warranted immediately yet has languished pending on the Circuit Court Docket since June 1<sup>st</sup> 2010 and requests that the FCC be ordered to regulate communications by wire and allow no proposed added search engines from attributing nudes to the appellant when presented to anonymous viewers. This would cost very little to implement and would only mitigate damages and could be made permanent only after a trial. The FCC has already responded to a complaint by the Appellant where they alleged lacking jurisdiction over wire communications in an obvious error. ¶ 8 has been pled for an emergency writ of mandamus to the Honorable Samuel Alito already.

## LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. In addition to the three parties on the cover page, the following parties must be added to this proceeding in the court whose judgment is the subject of this petition in order that relief can be executed since these parties were not allowed but disparage the honor of the Appellant continually or create a climate requiring continually unreasonable expenditures to prevent constant US Title 15 § 1125(d) violations.

ICANN Inc  
Microsoft Corporation (MSFT)  
Yahoo Inc (YHOO)  
IAC/InterActiveCorp (IACI)  
The Federal Communications Commission (FCC)  
Joseph Stephen Breese Morse  
AOL LLC  
United States

Joseph Stephen Breese Morse and AOL LLC are likely to have claims against Separate Defendant/Appellee Google Inc. The claim against Google Inc is the basis for their being named and Stephen Breese Morse may not actually have authorized Google Inc to re-publish appellant's nude images.

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Lewis v. Chicago, 08-974 (2010)

Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)

Waggoner v. Atkins, 204 Ark. 264, 271, 162 S.W.2d 55, 58 (1942)

Estate of Farnam v. C.I.R., 583 F.3d 581, 584 (8th Cir.2009)

### **ARKANSAS STATUTES**

ACA 16-56-116 => The Tolling of Limitations by Disabilities

ACA 16-63-207 => Libel and Slander

ACA 16-123-102 => Disability Defined

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

**Fifth and Seventh Amendments => Due Process and Right to JURY Trial**

**The Communications Act of 1934 => Regulation of WIRE Communications**

**ACA 16-56-116 => The Tolling of Limitations by Multiple Disabilities**

**ACA 16-63-207 => Redress for Libel and Slander**

**ACA 16-123-102 => Disability Defined**

## **CONCISE STATEMENT OF THE CASE**

On August 11, 2010 Circuit Judges COLLOTON, HANSEN and GRUENDER affirmed District Court in part, but did not rule on most claims found in the Appellant's Brief. Appellant/"Plaintiff" believes this litigation is more complex than most other cases ever brought before this court. There are two distinct tortuous acts and neither of them were considered or commented on by the panel. Their Rulings in this specific case will be studied forever. The Appellant will divide these into four separate issues to prevent confusion again like must have occurred wherein the issues were ignored in the affirmation by the panel that ignored many issues presented in the Appellant Brief.

### **I. RECURRING TRESPASSES TOLLED LIMITATIONS**

On March 24<sup>th</sup>, 2010 the Supreme Court anchored tolling of limitations as a defense to the last date of repeated acts. This one SUPREME COURT ruling should have made every Circuit Court ruling be in error but was overlooked.

### **II. EQUITABLE TOLLING REQUIRES A JURY**

Equitable tolling of limitations is a common law principle that requires jury consideration as the Sixth Circuit has recognized.

### **III. ACA 16-56-116 WAS SEVERELY MISINTERPRETED**

Tolling of limitations due to multiple disabilities anchored in Arkansas Statute was interpreted illogically. No insane minor has ever been in prison out-of-State. The ruling Court alleged this was the intent of multiple disabilities referred to in the statute in an *axiomatic* error while ignoring the common meaning of language.

**IV. OUTRAGEOUS DEFAMATION BY THE ADDED PARTIES  
NOT ALLOWED ADDED WAS A FINAL RULING**

The Search Engine Parties not allowed added damage the honor of the Appellant continually and profit outrageously by trafficking pornography including images done by Appellant as well as images falsely attributed to the Appellant each day. Every Party desired named has prepared for this eventuality for decades already. Addition of the FCC and these parties has been sought by an emergency Petition to the Supreme Court for a Writ of Mandamus and every issue will be plead when requesting certiorari but are not causing the emergency need for preventing OUTRAGEOUS defamation described in ¶ 8 on p. 2 and ¶¶ 5,6 on p. 7 and in the conclusion on p. 8.

**REASONS FOR GRANTING THE REHEARING**

1. The trafficking of pornography has been illegal since before communication by wires came to be called the Internet. Rating of sites so that they could be avoided as determined by the computer purchaser for all users of the computer permanently requiring no filters that could be avoided and fooled and should have been done when the Internet first developed but can be required now by the FCC and is technically trivial. This decision will finally make communications by wire as moral as communications by television and radio. Where were you when the Twin Towers were bombed? Where were you when the FCC was ordered to regulate communications by wire?
2. This litigation will easily results in the broadest impact of any ruling ever made by any Court since the sixties or perhaps ever because it impacts every user of wire communications on earth as well as morally anchoring the Judicial Branch.

3. The supreme Court will reaffirm that limitations as a protection do not begin to accrue until the last of repeated acts as ruled March 24, 2010. See Lewis v. Chicago, 08-974 (2010) and the improper Eighth Circuit affirmation impacts this none at all but anchors their position in history.
4. The '*Dennis Factors*' used in district court and allegedly created by the Eighth Circuit are unconstitutional for violating the Seventh Amendment and Rules of Federal Civil Procedure Rule 15 by granting Courts the powers of a king exactly like denial of equitable tolling was in this action when subjected to one person's jurisprudence.
5. Preceding sections 1-4 will be the eventual results but an emergency order for mandamus directing the United States Court for the Western District of Arkansas to enter an injunctive order and permitting service of the Amended Complaint on EVERY desired party would prevent the Appellant from facing constant slander and defamation while awaiting Court actions and has already been plead.
6. A narrow and specific Mandamus Order requiring Search Engines to not continually defame the Appellant and that the FCC to begin regulating communications by wire is the only extraordinary relief already plead. Granting of the extraordinary relief will allow the Appellant to have a jury trial resolve this in March 2011 and halt the continual defamation

## CONCLUSION

Petition for an emergency writ of *mandamus* should soon be granted because it would not cost money for the search engines to do. This litigation will have a MASSIVE impact without any question whatsoever on the United states and the ENTIRE WORLD due to the United States' constant International trafficking of pornography to anonymous viewers by wire and thereby offending every parent in the ENTIRE WORLD not willing to accept the improperly demanded duty of preventing exposure to pornography while allowing access to wire communications. Prevention of sinful viewing of unregulated wire communications is an impossible task the United States asks parents to believe a duty of parents made *axiomatic* by SEC attorneys paid by taxpayers to view pornography in spite of government filters. Appellant/"Plaintiff" asserts that the Appellant Brief raises issues ignored by the panel entirely. The pro se, severely brain injured Appellant herein prays that the panel consider every issue plead in the costly Appellant Brief and address them in a ruling and seeks to have full Eighth Circuit consider the issue en banc. Appellant uses the term reconsider but it is *axiomatic* that most issues plead were never considered in the least. Appellant pleads that if the Supreme Court does not grant the mandamus requested soon the Eighth Circuit consider the perpetually pending orders that were plead as denied in the brief and call it re-consideration in spite of the fact that it will be the first time they were considered. The Court in the United States are obviously committed to protecting the trafficking of pornography and Appellant seeks relief or a quick denial to reaffirm United States' immorality.

Respectfully and humbly submitted,  
s./Curtis J Neeley Jr. . . .  
Curtis J Neeley Jr. MFA

**CERTIFICATES OF  
SERVICE**  
FOR DOCUMENTS FILED USING CM/ECF

**Certificate of Service When All Case  
Participants Are CM/ECF Participants**

I hereby certify that on 7/20/2010, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Curtis J Neeley Jr.