
No. 10-2255

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

NameMedia Inc.,
Network Solutions Inc.,
Google Inc.
Appellees,

v

Curtis J Neeley Jr., MFA
Appellant.

REPLY OPPOSING FRIVOLOUS JOINT MOTION TO DISMISS

Comes now Appellant, respectfully to this court, and requests the Court deny the “Joint Motion to Dismiss” entirely. The Appellant views the Motion as “nearly frivolous” and serves only to increase the costs of this action for Appellees. The Appellant will not enter District Court filings again yet wishes them all to be part of the record to be available as evidence. The Appellant, in the same form as the “Joint Motion to Dismiss”, will succinctly explain the solid rational on the pages as will follow:

I. INTRODUCTION

The Appellant is *pro se* and feels this litigation firmly establishes the predominant divorce of morality from litigation. The speed that the opposing Counsel acted to cite the Appellant Brief that revealed Appellant's distress is offensive. The Appellant sought quickly to file Corrected Appellant Brief to prevent his outrage from affecting his litigation.

II. PROCEDURAL HISTORY

Appellant discovered pornographic images shown at <photo.net> to anonymous viewers who could be Appellant's minor children or others. Appellant chose to publish them when <photo.net> allowed users to delete them and required viewers to be registered users to see them. The minor child of Appellant discovered these and reported this causing extreme distress late in 2008. Appellant is severely brain injured and has intermittently pursued <eartheye.com> and <sleepspot.com> since 2007. Appellant was unaware the domains were taken by the same Appellee violating exclusive rights to control attribution that was initially pled as "copy-right" claims due to the disparagement the Appellant no longer wishes to call "copy-right" but the unconstitutional US Title 17.

Several issues coalesced during litigation as well as discovery of additional violating parties. Clouds of immorality were encountered during this litigation and were dismissed prejudicially and illogically as follows.

A. March 10, 2010 Order (Docket 97)

The order of March 10 was clearly illogical and dismissed claims separate from the outrage that were supported very well in (Docket #140) as warranting this Interlocutory Appeal being scheduled for Briefing instead of being dismissed. The dismissal without prejudice of the unconstitutional US Title 17 claims *conflates* to extortion or causing Appellant to fear losing exclusive rights to control attribution and purchasing a “license to sue” to protect them. Unconstitutional US Title 17 does not recognize moral rights that are recognized for Canadians, Chinese, and scores of European citizens by the Berne Compact Implementation Act of 1988. Awaiting final rulings increases the outrage each second until this litigation is resolved to favor Appellant.

B. March 20, 2010 Order (Docket 125)

The order of (Docket 125) was illogical in dismissing claims after being pled reconsidered. The Honorable Jimm Larry Hendren proceeded to plainly repeat the illogical interpretation of Arkansas Code ACA 16-56-116. This failure of logic demonstrates a clear determination to dismiss rather than accept that the Statute only logically interpreted supporting the Appellant. The assertion that statute ACA 16-56-116 stated “all disabilities” besides minority and insanity due to the 1999 revision eliminating prisoners incarcerated out-of-state was clearly dimwitted and illogical.

Appellant believes “idiotic and dimwitted” to both accurately describe this particular ruling. No malice is intended using these colloquial terms that were in ACA 16-56-116 in 1986 and are therefore relevant. Revision of the statute to simply state insane was not done to restrict the statutory intent of the law. Hon Jimm Larry Hendren alleged realization that the statute revision was at some time for protecting insane minors in prison outside Arkansas. This “dimwitted” ruling does not consider that prior to 1986 multiple disabilities meant minors, dimwits, idiots, and prisoners outside the State. This error is in addition to allowing limitations to begin to accrue from initial tortuous acts contrary to Supreme Court Ruling of March 24, 2010. Lewis v. Chicago, (08-974)

C. The Second March 20, 2010 Order (Docket 126)

This order dismissed all claims against Appellee Network Solutions LLC clearly in error that caused immediate increase of distress. This particular Appellee has a business policy that continually violates US Title 15 1125(d). The repeated predisposition to dismiss allowed limitations to accrue from the first of repeated tortuous actions contrary to Supreme Court Ruling of March 24, 2010. *Id.*

D. Neeley’s Appeal

Curtis J Neeley Jr., MFA appealed the previous issues and goes on to appeal the impending denial of (Docket 130), (Docket 132), and (Docket 134) due to evidence on the record.

This appeal has requested relief and acknowledged in the Judicial Statement among other places that Appellee Network Solutions LLC has asserted in Docket 146 and Docket 147 that Appellant agreed to a “Service Agreement” consisting of over two hundred pages when double spaced with a click and thereby agreed to waive jurisdiction to Virginia.

III. ARGUMENT

A. Dismissal of Copyright Infringement Claims

Dismissal of copyright claims are clearly separate from the claim of defamation due to the unconstitutional US Title 17 that allowed dismissal of them because they will NEVER be registered.

B. Dismissal of Outrage Claims Due Limitations

Dismissal of US Title 15 § 1125(d) claims are clearly separate from the claim of defamation due to being unrelated to the tort caused by the theft of the two previously registered domains.

C. Denial of Motion to Amend

This Motion obviously warrants an interlocutory appeal due to rejecting numerous claims in the Complaint Summarily by calling them speculative. Exhibits are evidence supporting them all. *See Curry v. Hanna*, 228 Ark. 280, 283, 307 S.W.2d 77, 80 (1957) “The rule appears to be well established that a ‘dismissal with prejudice’ is equivalent to a final judgment insofar as the application of the doctrine of *res judicata* is concerned”; therefore these interlocutory orders may now be appealed and jurisdiction is proper.

D. Dismissal of Claims Against Network Solutions LLC

The dismissal of all claims against Network Solutions LLC clearly warrants interlocutory appeal solidly anchored in the collateral order doctrine as was explained in Docket 140. All opposing Counselors ignored this explanation. Docket 140 explained every argued section (A-D) and makes the Joint Motion to Dismiss appear frivolous.

IV. CONCLUSION

All of Appellant's citations are clearly interlocutory errors firmly grounded in the collateral order doctrine as alleged in Docket 140 due claims improperly dismissed. Appellant did not waste the time of the Court to repeat Docket 140 in the Appellant Brief and Docket 140 is not repeated in the Corrected Appellant Brief that will be filed as quickly as possible. The Appellees' Joint Motion to Dismiss was almost frivolous and increases the distress of the Appellant in violation of FRCP Rule 11(b)1 and was done for no purpose except to harass the severely brain damaged pauper and increase the costs of this litigation. The Appellant does not ask for sanctions but wishes each opposing party to finally realize no *dilatory* purpose was sought. Appellant believes filing the inappropriate Joint Motion to Dismiss for no other purpose than to distress Appellant or inflate billing was immoral. The Docket 97 claim that the Appellant is motivated by revenge was malicious when first written. Including the improper claim, yet again, offends the Appellant and further supports Appellant's belief that attorneys are regularly immoral professionally.

V. PRAYER

Appellant is printing the Corrected Appellant Brief and thanks the Court for acknowledging the initially filed Brief was rushed and needs correction. Appellant has appealed orders not yet made but reasonably assumed to resolve adverse to Appellant as evidenced now in the record. The docket ##s (97, 125, 126) and pending denial of docket ##s (130, 132, 134) are all included in the Appellant's Brief as being denied consistent with the errors in the orders initially pled. This litigation is unusual and complex involving hosts of tortuous actions the Appellant wishes to bring since demonstrated in exhibits now in the record. The Appellant prays the Appellees' Joint Motion to Dismiss be entirely denied. "Idiotic and dimwitted" are both impolite terms anchored solidly in ACA 16-56-116 from 1986 that were not used to simply demonstrate poor *tenor*.

They may both be used to accurately describe filing the Joint Motion to Dismiss so contrary to common logic, as was done by three paid law firms while ignoring Docket 140. Appellant will file no such improper motions and trusts the Judges examined this interlocutory appeal before the scheduling order was done. Frivolous appeals of inmates are regularly dismissed and Scheduling of the Interlocutory Appeal Briefs Docket 150 followed the Notice of Appeal Docket 136 by three weeks. Three weeks was ample time to fully consider Docket 140 or ignore it as three law firms obviously did.

Respectfully 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 7/15/2010, 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.** _____