

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

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

Civil No. 09-5151

NAMEMEDIA, INC., NETWORK
SOLUTIONS, INC.; and
GOOGLE, INC.

DEFENDANTS

O R D E R

Now on this 27th day of October, 2010, comes on for consideration plaintiff's **Request For Leave To File Fourth Amended Complaint** (docket entry #167).

As the Court has explained in an Order entered on May 20, 2010 (docket entry #125), leave to amend may be denied in the face of "repeated failure to cure deficiencies by amendments previously allowed." Dennis v. Dillard Department Stores, Inc., 207 F.3d 523, 525 (8th Cir. 2000). The Court found then, and it finds again now, that to the extent there are deficiencies in plaintiff's pleadings, he has failed to cure them by amendments previously allowed.

The motion now under consideration recites that:

[e]ach claim alleged is supported looking at evidence now exhibited in the record. All claims can be seen in the record before discovery has begun. Discovery is already complete as evidence was mostly publicly available.

To the extent that this recitation is accurate, it demonstrates that plaintiff has failed to cure what he perceives to be deficiencies in his pleadings in his previous amendments, in

spite of being in possession of the facts upon which the motion is based. The motion will, therefore, be denied.

IT IS THEREFORE ORDERED that plaintiff's **Request For Leave To File Fourth Amended Complaint** (docket entry #167) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE