

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

CURTIS J. NEELEY, Jr.

PLAINTIFF

VS.

CASE NO. 5:09-cv-05151-JLH

**NAMEMEDIA, INC.;
and GOOGLE, INC.**

DEFENDANTS

**MOTION FOR CERTIFICATION PREVENTING PLAINTIFF
FROM PROCEEDING *IN FORMA PAUPERIS* ON APPEAL**

Separate defendant NameMedia, Inc. (“NameMedia”), for its Motion for Certification Preventing Preventing Plaintiff from Proceeding *In Forma Pauperis* on Appeal made pursuant to F.R.A.P. 24(a)(3), states as follows:

1. Plaintiff is proceeding *in forma pauperis* in the prosecution of his claims in this Court;
2. Yesterday, November 1, 2010, the Court issued its Order denying Plaintiff’s “Second Request for Leave to File Fourth Amended Complaint” (Docket #193);
3. In his motion, Plaintiff stated that he would file another appeal to the Eighth Circuit from any denial of his motion; he reiterated this intent in an email to defense counsel yesterday (*see* attached Exhibit “A”);
4. Such an appeal would be of the exact same nature as that taken previously by Plaintiff from the Court’s denial of his motion to amend, which the Eighth Circuit summarily dismissed as an improper interlocutory appeal in its opinion dated September 3, 2010;
5. Therefore, any appeal taken by Plaintiff from the Court’s order entered yesterday would not be taken in good faith and would be for dilatory and vexatious purposes;

6. Under F.R.A.P. 24(a)(3), a party proceeding *in forma pauperis* in the District Court may proceed on appeal *in forma pauperis* without further authorization unless “the district court – before or after the notice of appeal is filed – certifies that the appeal is not taken in good faith...and states in writing its reasons for the certification or finding...”

7. The Court should, pursuant to said Rule, certify in writing that an appeal taken from its Order entered yesterday would not be in good faith, thus preventing Plaintiff from proceeding *in forma pauperis* on such appeal;

8. Separate Defendant Google, Inc. joins in this motion.

WHEREFORE, NameMedia requests that the Court make the certification requested, and for all other relief to which it may be entitled;

Respectfully submitted,

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BROOKS C. WHITE (ABN 2000093)
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By: /s/ H. William Allen
H. William Allen

By: /s/ Brooks C. White
Brooks C. White

Attorneys for Defendant and Counterclaimant
NameMedia, Inc.

CERTIFICATE OF SERVICE

I, Brooks C. White, hereby certify that on this 2nd day of November, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys of record:

Michael H. Page
Durie Tangri, LLP
217 Leidesdorff Street
San Francisco, CA 94111
mpage@durietangri.com

Jennifer H. Doan
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Haltom & Doan
Crown Executive Center, Suite 100
6500 Summerhill Road
Texarkana, TX 75503

I hereby certify that, on this 2nd day of November, 2010, I mailed a copy of the foregoing to the following *pro se* plaintiff:

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

/s/ Brooks C. White
Brooks C. White

Brooks C. White

From: Curtis Neeley Jr. [Curtis@CurtisNeeley.com]
Sent: Monday, November 01, 2010 10:37 AM
To: Mpage; Brooks C. White; H. William Allen; Jdoan; Jthane
Subject: legacies and rulings....

Honorable Erin L Setser, Opposing Counsel, et al,

DENIED/IGNORED

I trust that you noticed what you each had expected to see. I also trust that you are each working on you objections in Western District Court.

I advised the Supreme Court staff that I would prefer this to be resolved by an Arkansas JURY and it now will be eventually.

It is currently scheduled for July but the initial scheduling order 188 becomes moot if the Motion to amend Docket 193 is not FULLY granted. Why? The Western District of Arkansas will no longer have jurisdiction. I will file another interlocutory appeal. When order 192 does not result in Google Inc being subjected to an injunctive order to cease returning nude images of mine and of Michael Peven's erect penis from name searches for "Curtis Neeley" that will be appealed also.

Microsoft Corporation, Yahoo Inc, and IAC/InterActiveCorp all three already ceased returning nudes due to image searches for my personal name since I contacted them and advised them of my intention to sue. They already complied and will not be parties until a final order is followed by an appeal. Those three are already attempting to mitigate damages where Google Inc continues to thumb their nose at me and the ARWD Courts. I would allow them to never be parties after the FCC is allowed.

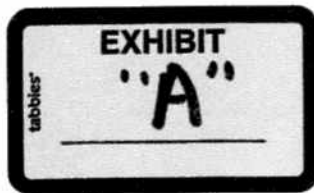
Take a look now at each of those three.

1. <http://www.bing.com/images/search?q=Curtis+Neeley>
2. <http://images.search.yahoo.com/search/images?p=Curtis+Neeley>
3. <http://www.ask.com/pictures?q=Curtis+Neeley>

Compare this to Google Inc after over a year of Federal litigation and scores of requests to counsel.

1. <http://images.google.com/images?&q=Curtis+Neeley>

Honorable Erin L Setser,



This is not an ex parte communication and will be posted on my BLOGs by the time you read it or soon after. What will be your position in history? It will be impacted by your recommendation and by the timeliness of it as well.

1. <http://open.salon.com/blog/curtisneeley>
2. <http://curtisneeley.wordpress.com/>
3. <http://www.curtisneeley.com/BLOG>

Curtis J Neeley Jr, MFA
www.CurtisNeeley.com

DISCLAIMER: Curtis Neeley suffered a severe traumatic brain injury that often very negatively impacts his communications. He is often perceived as blunt, tactless, self-centered and rude. Although Curtis has a severe disability, he is determined to continue creating meaningful visual art. The Curtis Neeley Foundation will be created to preserve and promote his artistic photographic legacy.