

**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**

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

Separate defendant NameMedia, Inc. (“NameMedia”), for its Brief in Support of Motion for Certification Preventing Plaintiff from Proceeding *In Forma Pauperis* on Appeal , states as follows:

Rule 24(a)(3) of the Federal Rules of Civil Procedure allows the trial court to prevent a litigant proceeding *in forma pauperis* before the district court from proceeding on appeal *in forma pauperis* by making a written certification that the appeal is not taken in good faith. *See Willis v. Pilgrim’s Pride Corp.*, 2006 U.S. Dist. LEXIS 95935; *Perry v. Ralston*, 635 F.2d 740 (8<sup>th</sup> Cir. 1980).

As set forth in the motion filed contemporaneously herewith, an appeal from the Court’s order of November 1 would be in bad faith, given the Eighth Circuit’s prior summary dismissal of Plaintiff’s appeal from a denial of a previous motion to amend.

Therefore, this Court should certify in writing that any appeal from its Order entered yesterday would not be in good faith, thus preventing Plaintiff from proceeding *in forma pauperis* on appeal.

Respectfully submitted,

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By: /s/ H. William Allen  
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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 2<sup>nd</sup> 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:

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

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/s/ Brooks C. White  
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