

IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v.

CASE NO. 5:09CV05151

NameMedia Inc.
Google Inc.

SECOND BRIEF SUPPORTING MOTION FOR PRELIMINARY INJUNCTION

1. Comes now Plaintiff, respectfully to the United States Court for the Western District of Arkansas and more thoroughly supports the motion for a preliminary injunction and addresses the opposition that Google Inc has due to refusal to recognize what the pro se plaintiff felt was obviously harmful and irreparable and already adequately shown in evidence.
2. To be fair, Google has finally recognized Mr. Neeley asked this Court to order the FCC to ban Mr. Neeley's own photographs, which Mr. Neeley himself published on the Internet. He also sought an order banning anyone from correctly identifying those photographs as his, despite having published them under a Creative Commons license that affirmatively allows anyone to republish them and requires that they be attributed to him. *See* <wiki.creativecommons.org/FAQ> On the preceding URL look for the reserved moral rights not recognized yet in America.
3. Mr Neeley published the photographs but objects to Google Inc use of these photos in results for exclusively his name. This causes defamation, outrage, and libel as well as causing shame to the artist that is prohibited in US Title 17 when Mr Neeley's daughter or her friends search using "Curtis Neeley" even on safe searches while at school.

1 4. Google has asked that they be considered an Internet Service Provider and asked that they
2 be excused as one and not be held liable for trafficking in obscenity to children. Google Inc has
3 cited United States Title 47 § 230 selectively. Title 47 § 230(b) alleges that the United States
4 policy is to remove disincentives for development of filtering apparatus.
5

6 5. Title 47 § 230(c)(1) is EXTREMELY inconsistent with every policy point Title 47 §
7 230(b)(3-5) and is headed as “Protection for Good Samaritan screening and blocking of offensive
8 material”. Google Inc cites this policy as protecting them in spite of the obvious intent to protect
9 Internet Service Providers from liability for screening or blocking offensive material. Google Inc
10 asks the Court to allow subsections (1) to protect their policy of republishing offensive material in
11 spite of Title 47 § 230(b)(3-5) or in violation of it. The protection offered was intended to protect
12 interactive computer service providers of connectivity from being treated as the publisher and this
13 is not what Google Inc does.
14

15 6. Google Inc profits massively by trafficking in offensive material and is a bit player in China
16 where offensive content is illegal. Google Inc uses subsection Title 47 § 230(c)(1) but fails to
17 realize the subsection describes ways to protect Internet Service Providers from liability as Good
18 Samaritans. Google Inc is not a service provider and is not given a free pass in Title 47 § 230(c)(1)
19 to traffic in all the offensive material Google Inc is able to find and republish for profit. Google is
20 NOT a service provider but a content provider. The offensive images shown are stored on Google
21 Inc computers and the offensive images are not shown directly from where found but from Google
22 Inc computers accessed via Internet Service Providers who are protected from liability where
23 Google Inc is the originating content provider and is not protected by the Communications Decency
24 Act which was written to protect Internet Service Providers and not Internet Content Providers.
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1 7. This can be compared to the owners and deliverers of telephone or other
2 telecommunications providers not being subject to the fine given CBS for permitting display of a
3 nude breast during the Super Bowl Half-Time in 2004.

4 8. Google Inc acts as if the Plaintiff waived all moral rights to original art when publishing it
5 on the Internet or in a book that was in a library in New York. Google Inc Counselors appear to
6 have stated that the Court is not aware that the limitations ruling was overruled on May 24th by the
7 Supreme Court.
8

9 9. This Google Inc policy is consistent with Eric Schmidt's comment to CNBC that if an artists
10 or other person had something they did not wish known, they had better not do it. Google Inc does
11 not have the right to republish anything accessible by wire, as they are claiming. The Fifth
12 Amendment is as close as the US has gotten to recognize the fundamental rights to be secure in the
13 person. The Plaintiff is, however, protected from being forced to testify against himself. The
14 Plaintiff states that the Fifth Amendment and the Ninth Amendment easily work with US Title 17 to
15 grant US citizens the right to not publish art they create in a manner that they consider defamatory.
16

17 10. Arkansas law ACA 16-63-207 prohibits defamation by slander and libel and does not
18 require extrinsic facts for the purpose of showing the application to the Plaintiff. The fact that
19 Google Inc and NAMEMEDIA INC continued to republish Plaintiff's original nude art after
20 advised that display of them to minors was offensive to the Plaintiff was sufficient to make
21 publication of the art violate ACA 16-63-207.
22

23 11. Honorable Jimm Larry Hendren became District Court Judge in 1992 when wire
24 communications involved primarily faxes and wire transfers of money. What has now come to be
25 called the Internet did not exist in 1992.
26
27
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12. The ruling Judge in this case was a fifty-year-old judge before the Internet was developed as the wire communications that became the preferred manner to consume and distribute pornography. Google Inc, the Defendant making around 55 million dollars per day selling art and publications created by others, did not exist until September 4, 1998.

13. Google Inc does not have overhead normally involved in creating artwork or news stories but profits by using the US fair-use exemption to Title 17 to profit by wire while exempt from taxes and yet fraudulently alleges they provide internet connectivity and are not a provider of content. Google Inc is taking advantage of the elderly Honorable Jimm Larry Hendren's logical deficiencies to perhaps cause him to believe that posting art or information on the Internet is the same as giving it away. Many "test jurors" initially agreed with him.

14. Honorable Jimm Larry Hendren explained ACA 16-56-116(c) as stating "two or more" prior to 1999 to benefit insane minors in prison outside of Arkansas. The logical deficiency displayed carefully in this belief is consistent with believing that Title 47 § 230(c)(1) protects Google Inc and that Google Inc is an Internet Service Provider and is protected by this Federal Statute when Google Inc is NOT an Internet Service Provider but is an Internet Content Provider. Google Inc Counsel claimed this fraudulent claim by wire when filing Docket 205 on the fourth page.

15. Google Inc has attempted to confuse the Court representing Google Inc as an Internet Service Provider, which they are not by any stretch of the words. This could be described as a crime of wire fraud where Google Inc attempted to deceive Honorable Jimm Larry Hendren. The ruling judge is logically challenged enough to invent "Dennis Factors" and misinterpret ACA 16-56-116 to once protect insane minors who were in prison outside of Arkansas.

See <en.wikipedia.org/wiki/Internet_Service_Provider>

1 16. The common definition of Internet Service Providers can be found on the preceding
2 Un_Regulated wire Location or URL. The preceding URL is the first result in the search seen in
3 Google Inc search for “Internet Service Provider” below ads running on the page. *See* Exhibit A.
4 The cost per click on this page is roughly fifty cents and eleven advertisers can be seen competing
5 for clicks on this page. This exhibit sufficiently proves that Google Inc is aware that
6
7 **“Internet Service Provider” is not what Google Inc is by any stretch of the words.**

8 17. Google Inc profits from actual Internet Service Providers by selling advertisements to very
9 many of them and yet wants to confuse the Western District of Arkansas Court into believing that
10 Google Inc provides connections to the Internet and are immune because of the Good Samaritan
11 limitation of liability for Internet Service Providers. **THIS IS A FRAUD.** Google Inc is a content
12 provider that archives a database copy of the Internet and searches only the Google Inc server.
13

14 18. Google Inc does not search the Internet “real time” as was claimed by their counselor in
15 Docket 205 on page four in footnote three. Google Inc searches the latest Google Inc copy of the
16 Internet with continually searching routines that update their copy of the database regularly. This is
17 another attempt at wire fraud deception in the wire communication called Docket 205.
18

19 19. The reason Mr Peven’s erect penis is no longer on the first page of the “Curtis Neeley”
20 image search is because there is no link to the image at this time as can be seen in the exhibit
21 entered. Here we see another Google Inc Counselor bald wire fraud in Docket 205 due to stating
22 that there was a link to the Michael Peven penis photo on the BLOG entry shown in the exhibit.
23 The court may visit the Open Salon blog entry at the following URL.

24
25 <open.salon.com/blog/curtisneeley/2010/08/06/sept_14_is_a_day_that_will_live_in_infamy>
26
27
28

20 The Court can then immediately notice the fraudulent wire communication of Docket 205
has been edited so that it does now contain a link. The link has been inserted by the Google Inc
Counselor and without altering the color of the text. All links on the page that were actually links
were displayed in another color and the software that created the PDF for evidence was used to
insert a link where there is none on the page. The Court can't click on the URL on the live BLOG
but can click on the URL in the wire fraud entered into evidence. A link that does not link is
nothing but a series of characters and is therefore NOT A LINK.

REVIEW OF THE WIRE FRAUDS of Docket 205

I. Fraudulent Claim of Being an Internet Service Provider

21. Google Inc profits greatly on actual Internet Service Providers like can be seen in the exhibit
and are without any question a content provider taking advantage of the unconstitutional fair-use
exceptions to exclusivity in US Title 17. No other Berne Compact Signatory nation would allow a
company to use wire communications to harvest content they would re-broadcast like Google Inc
now does.

II. Fraudulent Claim of "Real-Time" Search

22. Google Inc Counselors wrote a fraud on page four in the third footnote and claimed that the
results changed in real-time. **THIS IS A FRAUD.** Google Inc robots search the Internet
continually and update their **copies** of the Internet regularly but this is impossible to do in real time
or live. Only a computer that could access the entire Internet simultaneously could do a real-time
search and this is almost possible but is not at this time. A search will report only what it had the last
time the search engine copied the chosen subset of the Internet. Google Inc is nothing but a content
provider with regularly updated copies of content found by wire.

III. Fraudulent Claim of Existing BLOG Link

23. Google Inc Counselor entered a bare fraud into evidence as an exhibit. They created the link to Michael Peven's erect penis photo using **the plain unlinked text** and modified the actual BLOG page so that it has a link in the exhibit PDF that it did not have. This is manufacturing evidence and is a crime and the Court could chose to sanction Google Inc for manufacturing false evidence.

IV Fraudulent Claim of Lack of Standing

24. Google Inc Counselor claimed that the Plaintiff lacked standing due to not being a child and not being a Muslim. This demonstrated completely ignoring ARWD Docket 53 Ex #1 Child. The party dismissed in an appealable error, Network Solutions LLC, once claimed to respect the Court Docket. Google Inc did not recognize the fact that the Plaintiff is a parent. The Plaintiff is white but respects the fact that "nigger" is a word that is generally offensive to one racial group. The Plaintiff is not a female but realizes that "piece-of-ass" is generally considered offensive to women. Google Inc may be unaware that Muslims are not permitted to view naked figures unless the viewing Muslim is homosexual. Few are aware that it is prohibited in the Qur'an, but the Plaintiff is aware of this and does not wish to display nude art to Muslims, call women "pieces-of-ass", or call dark skinned people "niggers". Plaintiff has no legs but obviously has standing to ask that children and Muslims not be exposed to his original nude art **EXCEPT in the contexts the Plaintiff has chosen.**

25. The Separate Defendant Google Inc now joins the other remaining defendant in improper use of the legal term "frivolous". The Plaintiff has not filed a single frivolous filing except the motion for Rule 11 sanctions and the only reason the Eighth Circuit did not already remand this case was that the motions appealed were pending and therefore could not be appealed.

1 26. This case is currently appealable and will be remanded for a new trial with another judge.
2 Denial of Docket 184 or Docket 197 will now be appealed as a pauper. The Plaintiff welcomes the
3 Western District Court to attempt preventing an IFP appeal if they feel it proper and has already
4 begun working on the appeals.

5
6 27. Plaintiff will now seek that Honorable Jimm Larry Hendren be impeached due to abuse of
7 power whether or not the ruling judge certifies the Plaintiff is not preceding in good faith or
8 anything else. The Plaintiff will contact State representatives to bring charges to be tried in the
9 Senate. This will now be recommended due to the numerous flagrant abuses of logic now
10 unquestionably in the record. The offenses have already been done and the Plaintiff will ask that
11 charges be brought now without any doubt unless Honorable Jimm Larry Hendren retires and seeks
12 recusal, which makes prosecution unnecessary.

13
14 28. The abuse of power might, in fact, be one uniting issue the Plaintiff can use to become an
15 AR representative. Most United States citizens have already retired and receive Social Security
16 instead of deciding complicated legal issues while battling senility and life experiences that are no
17 longer relevant to the general population. Most Supreme Court Justices are a decade or two younger
18 than Jimm Larry Hendren and the four that are older are likely to retire soon or be impeached. This
19 is not entered to offend Honorable Jimm Larry Hendren but reveals the severe injustices already
20 done by Honorable Jimm Larry Hendren as well as how seriously the Plaintiff believes that
21 Honorable Jimm Larry Hendren must either retire or be impeached.

22
23 29. The Plaintiff feels that Honorable Jimm Larry Hendren realizes that the Supreme Court
24 already overruled his limitations rulings and “more than two” was never meant to protect insane
25 minors in prison out of state. The creation and use of non-existent “Dennis Factors” is perhaps now
26 realized as being a FRAUD.
27
28

CONCLUSION

30. The Plaintiff **RESPECTFULLY** prays that Honorable Jimm Larry Hendren not allow Google Inc to continue to display the nude and indecent art done by the Plaintiff in searches for simply his personal name and recognize the other three parties that were not allowed added have already complied and have thereby demonstrated the ease with which this request can be done. The Plaintiff requests that Honorable Jimm Larry Hendren not attempt to prevent the Plaintiff from proceeding *in forma pauperi* and recognize that if the motion to add claims and the FCC are denied, the Plaintiff believes a good faith attempt to demand a new trial is warranted and will be granted in spite of any malicious certification. Docket 204 should have explained sufficiently and will support an appeal. The Plaintiff is already aware of the end results of this litigation and the only thing that remains a question is how history will record Honorable Jimm Larry Hendren in the lawsuit that ends the unregulated wire communications of pornography and results in the FCC regulating wire communications whether called the Internet for disguise or not. Pornography will still exist but the voluntary Robot Exclusion Protocol will become mandatory and a plug-in that blocks all sites rated above the computer purchaser's desires will be required for all browsers. The Plaintiff requests that Honorable Jimm Larry Hendren remove himself since all parties have indicated acceptance of a Magistrate Judge and it is now obvious that Honorable Jimm Larry Hendren is unable now to rule logically. Plaintiff also prays that Honorable Jimm Larry Hendren chooses to retire soon making impeachment unnecessary as well as every other relief herein plead in 2839 words and forty-four paragraphs with nothing illogical, nothing frivolous, and with nothing demonstrating bad faith or demonstrating an attempt to deceive the Court like the wire fraud entered by Google Inc in Docket 205 violating US Title 18 § 1343.

Respectfully submitted by hand,

Curtis J. Neeley Jr., MFA

CERTIFICATE OF SERVICE

I hereby certify that today I will file a copy of the foregoing with the Court clerk for the United States Court in the Western District of Arkansas and the clerk will scan each document and it will be made into a B&W PDF and be available to all attorneys representing the Defendants for this case. Their Counsel will each receive notification from CM/ECF. The color PDFs that were printed from are accessible free to the public at <<http://www.CurtisNeeley.com/5-09-cv-05151/Docket>> immediately and perpetually by the end of the day.

[CurtisNeeley.com/5-09-cv-05151/Docket](http://www.CurtisNeeley.com/5-09-cv-05151/Docket)

/s/Curtis J Neeley Jr.
Curtis J Neeley Jr, MFA



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