

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.

FINAL BRIEF SUPPORTING MOTION FOR DOCKET 184 PRELIMINARY INJUNCTION

1. Comes now Plaintiff, respectfully to the United States Court for the Western District of Arkansas and is incessant in supporting the motion for a preliminary injunction and addresses one particularly offensive wire fraud Google Inc does while refusing to recognize what the *pro se* plaintiff felt was obviously harmful and irreparable and adequately shown in costly exhibits.

Violations of Rule 8.4 of Professional Conduct

1. See <courts.state.ar.us/rules/current_ark_prof_conduct/integrity/profcond8_4.cfm> included below wherein “do no evil” is inappropriate for a Google Inc motto.

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;*
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;*
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;*
- (d) engage in conduct that is prejudicial to the administration of justice;*
- (e) state or imply an ability to influence improperly a government agency or official; or to achieve results by means that violate the Rules of Professional Conduct or other law; or*
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law*

2. Quoting an exclamation used once by an opposing Counselor “enough is enough”.
In Docket 205 Jennifer H Doan Esq stated each deception that follows.

- *It is Mr. Neeley’s own blog site, at Salon.com, in which Mr. Neeley himself placed a link to Mr. Peven’s work. See Exhibit A, print out from Curtis Neeley’s Open Salon.com blog.*
- *Mr. Neeley is attempting to state a state law claim against Google. Google, however, is an Internet Service Provider, and because Mr. Neeley is complaining about a work created and placed on the Internet by others...*
- *Google’s algorithms are entirely mechanistic:*

There is **NOT now** a link to Mr Peven’s penis photograph as claimed by Jennifer H Doan Esq
NOR was there when the fraudulent exhibit was printed. This was Google Inc placing blame for
indecent exposure of minors to nude art on Mr Neeley and misleading another elderly judge to
believe the erect penis photo is not **content provided by Google Inc** and is done mechanistically.

Michael Peven’s erect penis photograph location

3. The file that displays Mr Peven’s “art” or erect penis photograph can be located by wire at
the Un_Regulated-wire_Location (URL) that follows:

***<t2.gstatic.com/images?q=tbn:ANd9GcRxqbwjgnx1NCwFj0UjcjkZySKDG
kpDPV-iwjhLyaE1yd36jw&t=1&usg=__J0Zm3_NwyjOkvytEkpvrvaY7MFY>***

The computer on the opposite end of the wire communication location above is <gstatic.com> and
entry of the Un_Regulated-wire_Location (URL) in a browser will result in indecent display of
Michael Peven’s erect penis photograph. Google Inc controls this computer and illustrates very well
why Google Inc is, in fact, a **content provider** and NOT a connectivity provider entitled to the
Good Samaritan provisions of US Title 47 § 230. “Cox Communications” and other connectivity
providers are indeed protected as Internet Service Providers (ISPs) for allowing Google Inc to
transmit the indecent Un_Regulated-wire_Location (URL) above **hosted on Google Inc computers**
regardless of which Internet Service Provider is used for Internet connectivity.

Violation of Plaintiff's First Amendment Rights

4. There was no HTML link to Michael Peven's indecent erect penis "art" on Curtis Neeley's Open Salon BLOG. If there had been, as Jennifer H Doan, Esq stated, Google Inc is stating that disclosing the indecent erect penis "art" location is, in fact, justification for display of the offensive indecent erect penis "art" when searching for the Plaintiff's name.

5. The elderly judge Honorable Jimm Larry Hendren was a sitting District Court Judge when the mechanism of wire communications was first called the Internet. Honorable Jimm Larry Hendren was not regularly exposed to wire communications called the Internet when Google Inc first called trafficking indecent art "free speech" and was protected by other elderly judges. Elderly usually implies wisdom and the Plaintiff is elderly compared to many although not yet as elderly as Honorable Jimm Larry Hendren was when appointed in 1992 as a District Court Judge.

6. Speech is fundamentally protected and the Plaintiff asks that Honorable Jimm Larry Hendren now protect the fundamental right of the Plaintiff to disclose the FACT that Michael Peven first published an erect penis "snatchbook" to support a degree in art in 1979 and not cause the indecent erect penis photograph to result in searches for the Plaintiff's personal name. The Plaintiff herein prays that Honorable Jimm Larry Hendren orders Google Inc to stop returning nude art including the indecent erect penis photo as a result of the Plaintiff's name regardless of what speech the Plaintiff does or where disclosing production of nude art whether it be at Wikipedia.com or other.

CONCLUSION

7. The Plaintiff **RESPECTFULLY** prays that Honorable Jimm Larry Hendren not allow Google Inc to continue to display the nude art done by the Plaintiff in searches for simply his personal name and use it to return Michel Peven's erect penis "art" from 1979. Plaintiff asks the court to recognize the other three parties not allowed added have already complied and have thereby demonstrated the ease with which Google Inc could do this request now but states that the Plaintiff's incessant protest grants Google Inc permission to display what is protested.

1 8. Pornography will always exist but the voluntary Robot Exclusion Protocol will become
2 mandatory. A plug-in that blocks all sites rated above the computer purchaser's desires will be
3 required for all browsers. The Plaintiff requests that Honorable Jimm Larry Hendren remove
4 himself since all parties have indicated acceptance of a Magistrate Judge. It is now obvious that
5 Honorable Jimm Larry Hendren is unable to rule logically regarding current wire communications.
6 The impeachment political process is hoped to be unnecessary. Nothing illogical, frivolous, or
7 demonstrating bad faith and attempting to deceive the elderly Honorable Jimm Larry Hendren is
8 included. No wire frauds are entered like by Google Inc in Docket 205 violating US Title 18 § 1343
9 in spite of also violating every section of Rule 8.4 of the professional code of conduct for Arkansas
10 lawyers.

11 9. The elderly Plaintiff requests the more elderly Honorable Jimm Larry Hendren not attempt to
12 prevent the Plaintiff from proceeding *in forma pauperi* and recognize that if the motion to add
13 claims and the FCC are denied, the Plaintiff believes an appeal demanding a new trial and new judge
14 will be done in good faith and is warranted. An appeal will be granted in spite of any malicious bad
15 faith certification. The Plaintiff is aware of the end results of this litigation, as is Google Inc. The
16 only aspect that remains questionable is how history will record Honorable Jimm Larry Hendren in
17 the lawsuit that ends the unregulated wire communications of pornography and results in the FCC
18 regulating wire communications whether called the Internet for disguise or not. This fact and how
19 many billions of dollars Google Inc was able to make because of elderly judges in the United States
20 failing to see the Internet as simply evolution of wire communications of telegraph wires.
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23 Respectfully submitted by hand,

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26 Curtis J. Neeley Jr., MFA
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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