

IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v.

**NameMedia Inc.
Google Inc.**

CASE NO. 5:09~cv~05151

U.S. DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

DEC 09 2010

CHRIS R. JOHNSON, Clerk
By
Deputy Clerk

Reply ordered by Erin L Setser in the December 6th hearing

Plaintiff was ordered to report about further attempts to remove nude images from the Defendant Google Inc image search without requiring a court order. Defendant Google Inc stated that the Wikipedia licensure was authorization to show nude art to children and Muslims and Michael Henry Page Esq was ordered to print the CC-BY-SA 3 license for the Court. Michael Henry Page Esq also called the Wikipedia article a "BLOG" posting in error and claimed it was under the complete control of the Plaintiff. The Plaintiff was one of a multitude of editors who could edit articles but Michael Henry Page Esq mislead the Court regarding the level of control the Plaintiff has over articles. This misleading by Michael Henry Page Esq was similar to Jennifer Haltom Doan Esq misleading the court reporting that the text that could be a link was as much a rational for displaying Michael Peven's erect penis due to 'Curtis Neeley' searches, as an actual link would have been.

Michael Henry Page Esq and Jennifer Haltom Doan Esq misled the court due to being insufficiently schooled in wire communications and without malice. The Plaintiff spent a great deal of work and attempted to prove to Jennifer Haltom Doan Esq that a link is not the same as text and added and then removed the link for demonstrative purposes.

Wikipedia “BLOG” revision attempts

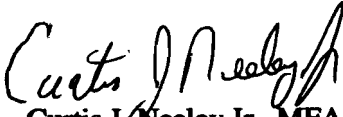
The Plaintiff was able to revise his user profile page at Wikipedia and deleted the nude photographs done by the Plaintiff that were used in articles that are not like BLOGs in the least. The deletions were reverted by other users and the Plaintiff has been banned from editing Wikipedia and cannot alter anything while this litigation continues. The Plaintiff is unable to add or remove anything but agrees that Google Inc should not be allowed to require users to opt-out of being thumbnailed but should be ordered to not thumbnail unless specifically invited to do so.

FineArtAmerica.com “REP” and GOOG disobeying

The Plaintiff examined the image search for “Curtis Neeley” and found a great number of nude photographs that resulted from <FineArtAmerica.com>. The Plaintiff proceeded to contact <FineArtAmerica.com> and requested that the Plaintiff’s nude photographs be excluded from the googlebot-images search spider. The robot.txt file was modified but upon closer look it appears that many of the nude images already were in directories that were not supposed to be searched. It is of absolutely no value to establish “REP” or rules created by the Defendant when the Defendant does not follow them. The Plaintiff is no longer allowed to edit Wikipedia and <FineArtAmerica.com> has now altered their robots.txt file and the Wikipedia Foundation legal are considering it. The efforts of the Plaintiff can be seen in the following exhibits. Ex. Wiki D, Ex. Wiki B, Ex. Wiki A, Ex. XUser-Talk:CurtisNeeley, Ex. fineartamerica.com, Ex Wikimedia Commons email.

1
2 Whereas Curtis J Neeley Jr has done everything humanly possible to help Google to stop showing
3 nudes in safe images searches for "Curtis Neeley" including altering personal speech and
4 expression and asking other sites to follow the Google Inc Robot Exclusion Protocol (REP) even
5 when Google Inc does not currently follow it; Curtis J Neeley Jr prays Honorable Erin L Setser now
6 order Google Inc to not return nudes in searches for "Curtis Neeley" regardless of where on the
7 Internet Google Inc locates nude images done by the Plaintiff. The Plaintiff also prays that the
8 Robot Exclusion Protocol (REP) become an opt-in instead of an opt-out so that no directory is
9 searchable by an image search unless it is specifically listed as granting the right to search engines
10 to make thumbnails. The Plaintiff states that there is usually an assumption of privacy being
11 recognized that is being eliminated now by Google Inc. Putting material on a website should not
12 grant Google Inc or other the right to sell access to it in violation of US Title 17 § 106A.
13 Thumbnails that are as large as the originals are nothing but copies and not subject to the fair-use
14 exceptions in US Title 17.
15
16
17
18
19
20
21
22
23
24

25 Respectfully submitted by hand,

26 
27 Curtis J Neeley Jr., MFA
28

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 EM/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, MFA
Curtis J Neeley Jr, MFA

What a mess.CurtisNeeley (talk) 01:23, 20 February 2010 (UTC)

FCC ordered to regulate WIRE COMMUNICATIONS

This will be done next week or in a few weeks with absolutely no question whatsoever. It was not done last week because there was a tiny legal flaw sent. The Supreme Court will get a corrected copy tomorrow. Porn that is not allowed shown to minors in a movie will not be allowed shown to any anonymous viewer. PERIOD. It is not a question of enacting a new law or electing a conservative. It has been illegal since June 19, 1934 and yet was allowed. I, obviously, cannot add this to the article, but feel that announcing it FIRST here on WIKI is EXTREMELY appropriate. It is not encyclopedia material -YET-.

I will not grant interviews to anyone from anywhere about pornography. The Eighth Circuit did/does not have jurisdiction for causing the most impacting ruling by a US Court EVER so only Supreme Court jurisdiction was ever proper. CurtisNeeley (talk) 18:46, 24 August 2010 (UTC)

ANI

Please be aware I have opened a WP:ANI matter up in regards to your legal threat at MediaWiki_talk:Robots.txt#Robot_Exclusion_for_Wikimedia_images, as we have a policy against making legal threats that can be found at WP:NLT. Peachey88 ^(T · C) 06:22, 8 December 2010 (UTC)

No legal threats



You have been **blocked** temporarily from editing for making legal threats or taking legal action. If you would like to be unblocked, you may appeal this block by adding the text `{{unblock|reason=Your reason here ~~~~}}` below this notice, but you should read the guide to appealing blocks first. Tiderolls 06:54, 8 December 2010 (UTC)

You are not allowed to edit Wikipedia while the threats stand or the legal action is unresolved.

Per your message here (http://en.wikipedia.org/w/index.php?title=MediaWiki_talk:Robots.txt&diff=401123905&oldid=400949839) I have blocked your account pending Foundation resolution. I will be contacting the WikiMedia Foundation, but I advise you to do so as well so that the matter may be resolved. Regards Tiderolls 06:54, 8 December 2010 (UTC)



This blocked user's unblock request has been reviewed by an administrator, who declined the request. Other administrators may also review this block, but should not override the decision without good reason (see the blocking policy). Do not remove this unblock review while you are blocked.

CurtisNeeley (block log (<http://en.wikipedia.org/w/index.php?title=Special:Log&type=block&page=User:CurtisNeeley>) • active blocks (<http://en.wikipedia.org/w/index.php?title=Special:BlockList&action=search&ip=CurtisNeeley>) • global blocks (<http://en.wikipedia.org/w/index.php?title=Special:GlobalBlockList&ip=CurtisNeeley>) • autoblocks (<http://toolserver.org/~nakan/autoblockfinder.php?u=CurtisNeeley>) • contribs • deleted contribs • abuse filter log (<http://en.wikipedia.org/w/index.php?title=Special:AbuseLog&wpSearchUser=CurtisNeeley>) • creation log (<http://en.wikipedia.org/w/index.php?title=Special:Log&type=newusers&user=CurtisNeeley>) • change block settings • unblock (<http://en.wikipedia.org/w/index.php?title=Special:BlockList&action=unblock&ip=CurtisNeeley>))

Request reason:

There was not a threat but an advisement that I was ordered to communicate my desire that googlebot-images be excluded by the United States Court for the Western District of Arkansas

or delete my DONATED notable art so the creative commons license could not be used by Google Inc to cause my name to result in safe searches that showed nudes in school although morally wrong. I like Wiki and do not care whatsoever about being blocked. I have litigated against Google Inc for a year and a half and have a hearing tomorrow and must report by then what my actions have been and the responses. I have emailed and called with no results other than being blocked. The case number is 5:09-cv-05151-JLH and is not a threat look for the if-then. I love Wikipedia but have no LEGAL options but to obey the court. I can't allow Wiki to show my nude art to minors and litigate exclusively against Google Inc for the same. I will ask for exclusively injunctive relief from Wiki. CurtisNeeley (talk) 15:22, 8 December 2010 (UTC)

Decline reason:

X User talk:Curtis Neeley

We don't have much choice on this either; one cannot simultaneously be a contributor to and a litigant against Wikipedia. --jpgordon ⚭ (o) 16:32, 8 December 2010 (UTC)

If you want to make any further unblock requests, please read the **guide to appealing blocks first** and then use the {{unblock}} template again. If you abuse this procedure by making too many unconvincing or disruptive unblock requests, you may be prevented from editing this page as long as you are blocked.

I understand your message and I apologize for my precipitous action. However, it was precisely the "if-then" that raised my concern. Perhaps your unblock statement will convince another admin to unblock you; I wouldn't have any objection, personally. I have not heard from the Wikimedia Foundation so I do not think I should unblock you myself. Again, this block was not personal and I hope you can resolve this soon. Regards Tiderolls 16:15, 8 December 2010 (UTC)

This blocked user is asking that his or her block be reviewed:



CurtisNeeley (block log (<http://en.wikipedia.org/w/index.php?title=Special:Log&type=block&page=User:CurtisNeeley>) • active blocks (<http://en.wikipedia.org/w/index.php?title=Special:BlockList&action=search&ip=CurtisNeeley>) • global blocks (<http://en.wikipedia.org/w/index.php?title=Special:GlobalBlockList&ip=CurtisNeeley>) • autoblocks (<http://toolservce.org/~nakon/autoblockfinder.php?u=CurtisNeeley>) • contribs • deleted contribs • abuse filter log (<http://en.wikipedia.org/w/index.php?title=Special:AbuseLog&wpSearchUser=CurtisNeeley>) • creation log (<http://en.wikipedia.org/w/index.php?title=Special:Log&type=newusers&user=CurtisNeeley>) • change block settings • unblock (<http://en.wikipedia.org/w/index.php?title=Special:BlockList&action=unblock&ip=CurtisNeeley>))

Request reason:

CurtisNeeley is more concerned with keeping Google from displaying nudes done by "Curtis Neeley" than remaining a contributor. If Wikipedia Foundation continues to allow googlebot-images to create thumbnails and do not delete "Curtis Neeley" figure nude art that was donated then the Wikipedia Foundation will have chosen to begin litigating as a third party tortfeasor. Curtis Neeley or Google Inc will seek a court order that the Wikipedia Foundation be required to exclude the googlebot-images spider. I realize there was no personal animosity and I accept that I am not allowed to contribute until this litigation completes. It was due to Google Inc stating that they own the Internet and they let us all play here if we obey their rules. Their lawyer called Wikipedia a BLOG. Bye guys, CurtisNeeley (talk) 02:29, 9 December 2010 (UTC)

Notes:

- In some cases, you may not in fact be blocked, or your block has already expired. Please check your block log (<http://en.wikipedia.org/w/index.php?title=Special:Log&type=block&page=User:CurtisNeeley>) . If no blocks are listed, or the latest one has already expired, then you have been autoblocked by the automated anti-vandalism systems. Please remove this request and follow these instructions instead for quick attention by an administrator.
- Please read our guide to appealing blocks to make sure that your unblock request will help your case. You may change your request at any time.

Administrator use only:

If you ask the blocking administrator to comment on this request, please place {{subst:Unblock on hold-notification | 1={{BASEPAGENAME}}}} on the administrator's talk page. Then replace this template with the following:

```
{{Unblock on hold | 1=blocking administrator | 2=CurtisNeeley is more concerned with keeping Google from displaying
```

nudes done by "Curtis Neeley" than remaining a contributor. If Wikipedia Foundation continues to allow googlebot-images to create thumbnails and do not delete "Curtis Neeley" figure nude art that was donated then the Wikipedia Foundation will have chosen to begin litigating as a third party tortfeasor. Curtis Neeley or Google Inc will seek a court order that the Wikipedia Foundation be required to exclude the googlebot-images spider. I realize there was no personal animosity and I accept that I am not allowed to contribute until this litigation completes. It was due to Google Inc stating that they own the Internet and they let us all play here if we obey their rules. Their lawyer called Wikipedia a BLOG. Bye guys, CurtisNeeley (talk) 02:29, 9 December 2010 (UTC) | 3=~~~~}}

If you **decline** the unblock request, replace this template with the following, substituting {{subst:Decline reason here}} with any specific rationale. If you do not edit the text after "decline=", a default reason why the request was declined will be inserted.

```
{{unblock reviewed | 1=CurtisNeeley is more concerned with keeping Google from displaying nudes done by "Curtis Neeley" than remaining a contributor. If Wikipedia Foundation continues to allow googlebot-images to create thumbnails and do not delete "Curtis Neeley" figure nude art that was donated then the Wikipedia Foundation will have chosen to begin litigating as a third party tortfeasor. Curtis Neeley or Google Inc will seek a court order that the Wikipedia Foundation be required to exclude the googlebot-images spider. I realize there was no personal animosity and I accept that I am not allowed to contribute until this litigation completes. It was due to Google Inc stating that they own the Internet and they let us all play here if we obey their rules. Their lawyer called Wikipedia a BLOG. Bye guys, CurtisNeeley (talk) 02:29, 9 December 2010 (UTC) | decline={{subst:Decline reason here}} ~~~~}}
```

If you **accept** the unblock request, replace this template with the following, substituting accept reason here with your rationale:

```
{{unblock reviewed | 1=CurtisNeeley is more concerned with keeping Google from displaying nudes done by "Curtis Neeley" than remaining a contributor. If Wikipedia Foundation continues to allow googlebot-images to create thumbnails and do not delete "Curtis Neeley" figure nude art that was donated then the Wikipedia Foundation will have chosen to begin litigating as a third party tortfeasor. Curtis Neeley or Google Inc will seek a court order that the Wikipedia Foundation be required to exclude the googlebot-images spider. I realize there was no personal animosity and I accept that I am not allowed to contribute until this litigation completes. It was due to Google Inc stating that they own the Internet and they let us all play here if we obey their rules. Their lawyer called Wikipedia a BLOG. Bye guys, CurtisNeeley (talk) 02:29, 9 December 2010 (UTC) | accept=accept reason here ~~~~}}
```

Retrieved from "http://en.wikipedia.org/wiki/User_talk:CurtisNeeley"

Categories: Requests for unblock

- This page was last modified on 9 December 2010 at 02:29.
- Text is available under the Creative Commons Attribution-ShareAlike License; additional terms may apply. See Terms of Use for details. Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a non-profit organization.

X User Talk: Curtis Neeley

From: Fine Art America [support@fineartamerica.com]

Sent: Tuesday, December 07, 2010 3:20 PM

Subject: Re: Googlebot-image....

Ex. fineartamerica.com

Curtis,

I just made the requested changes to our robots.txt file.

Sean

On Tue, 7 Dec 2010 09:37:43 -0600, Curtis Neeley Jr. wrote

> Dear Sir or Ma'am, Michael Henry Page Esq,

>

> <http://fineartamerica.com/images-stretched-canvas-small/black/break/images-small-private/breast1-2x3-curtis-neeley.jpg>

>

> <http://fineartamerica.com/images-greeting-cards-real-private/greeting-card-d-figurenude-bw-curtis-neeley.jpg>

>

> <http://fineartamerica.com/images-stretched-canvas-small/black/break/images-small-private/d-figurenude-bw-curtis-neeley.jpg>

> <http://fineartamerica.com/images-small/julie1-curtis-neeley.jpg>

>

> All of my figurenude art is set to not show in safe searches at work.

> There are dozens that result in searches for my name at Google Inc image searches at school.

> I regularly sell photographs of my art and value my offerings at Fine Art America, however, I am involved in Federal litigation against Google Inc for showing my nudes to children at school.

> Will you please exclude the PRIVATE directories from being searched by Googlebot-images?

> /images-greeting-cards-real-private/

> /images-small/ ## The larger images will be searched if not private already

> It appears you already have several but this REP is being ignored by Google Inc.

>

> Michael Henry Page Esq,

> Please advise your client Google Inc that the Google robots is ignoring the robots.txt file and therefore two of the images above should not have resulted in searches for my name. A Perl regular expression pattern match would be more judicial. It is above your understanding but would not be for any programmer. Any directory with the words private or small should be excluded.

>

> <http://fineartamerica.com/images-stretched-canvas-small/black/break/images-small-private/d-figurenude-bw-curtis-neeley.jpg>

> Should already be excluded but is not. Even a lawyer should be able to see why looking at the robots.txt file.

> When does Google Inc decide not to obey the robots.txt protocol?

> What "other part" is labeled "protection for private blocking....." as Honorable Erin L Setser asked you about when you said it was "another part"?

>

Ex. fineartamerica.com

> Title 47 § 230 is completely titled "Protection for private blocking and screening of offensive material". The entire segment is titled opposite to the entire use of the section by Google Inc.

> User-agent:

*

Disallow:

/artworksubjects.html?tag=*

Disallow:

/categoryimages

Disallow:

/discussionimages

Disallow:

/sethtest.php

Disallow:

/artworkbycolor.html

Disallow:

/images-medium-private

Disallow:

/images-small-private

User-agent:

*

Crawl-delay: 60

<http://fineartamerica.com/robots.txt>

> I am not mean and hope you are having a nice day,

>

>

> Curtis J Neeley Jr, MFA

> www.CurtisNeeley.com

> 2619 N. Quality Ln, Ste 123

> Fayetteville, AR 72703

> Voice: 479-263-4795

> **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.

>

From: CurtisNeeley [Curtis@CurtisNeeley.com]
Sent: Wednesday, December 08, 2010 1:59 PM
Subject: Copy of your message to Wnt: Wikimedia Commons e-mail

I got asked by Honorable Erin L Setser why I gave Wikipedia CC-BY-SA license to those two 'notable' and innocuous artistic nudes requiring attribution but have sued Google Inc for returning those nudes and others for image searches for my name.

Google believes that if images are posted to the Internet anywhere this grants them permission to make thumbnails of the photos whether it is desired or is not.

They then claim a 'voluntary' robot exclusion protocol they allegedly follow allows people to opt-out of their thumbnails instead of offering to let us opt-in.

I was asked to either request that googlebot-images be excluded or to delete the images myself.

I can't delete the images because of the CC-BY-SA licensure and am left with no option besides asking that the googlebot-images robot be excluded or my two 'notable' and innocuous artistic nudes be removed.

Google faces millions in statutory damages but are such a big company that they feel they own the Internet and let us all play there. I will make it very worth Wikimedia's distress when this ends.

I do not wish to disrupt Wikimedia but the judge's current belief it is not right to let Wikipedia show my attributed art but not to let Google Inc do the same thing. Wikipedia does not return nudes in requests for my name but that was not yet understood by the Court.

I have to file the results of this attempt by tomorrow or request an extension. I will not request an extension and will simply report progress by tonight and supplement it when possible..

<http://www.curtisneeley.com/5-09-cv-05151/Docket/index.htm> is the first 213 docket entries and are just a TINY drop in what will follow.

How did you end up getting asked by a federal judge about Google thumbnails??? I only see two quite innocuous artistic nudes in your user contributions, and I "certainly" hope no one would ever hassle you over that.

The way I see it, it's up to Google to figure out what to do with their own service. It's not like you "make" them thumbnail your contributions. [[User: Wnt|Wnt]] ([[User talk: Wnt|talk]])
13:16, 8 December 2010 (UTC)

--

This e-mail was sent by CurtisNeeley to Wnt by the "E-mail user" function at Wikimedia Commons.

EXHIBIT 2

My watchlist

Case 1:09-cv-05151-JLH Document 217 Filed 12/09/10 Page 11 of 13

From Wikipedia, the free encyclopedia

CurtisNeeley)

Display watched changes | View and edit watchlist | Edit raw watchlist

Watchlist options

- Help shape the 2010 Wikimedia Fundraiser! Propose new messages and comment on existing options [Meta](#) . [dismiss]
- Help is needed to reduce the backlog of unsourced biographies of living people. [dismiss]
- You are invited to a poll on Wikimedia Commons to adopt a new policy on sexual content. [dismiss]

You have 16 pages on your watchlist (excluding talk pages).

Below are the last 11 changes in the last 30 days, as of 15:39, 8 December 2010.

Show last 1 | 2 | 6 | 12 hours 1 | 3 | 7 days all

Hide minor edits | Hide bots | Hide anonymous users | Hide logged-in users | Hide my edits

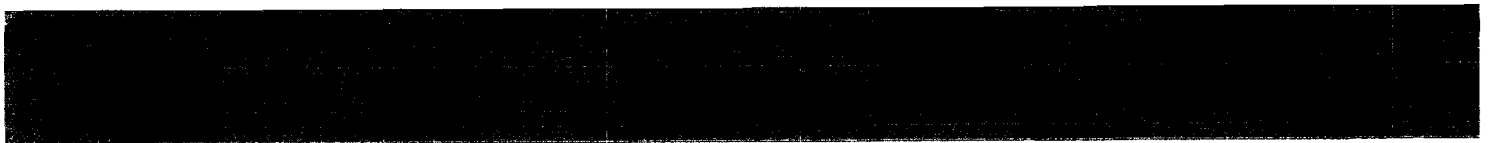
namespace: ☐ Invert selection

Legend: N - new page, m - minor edit, b - bot edit.

8 December 2010



6 December 2010



5 December 2010

- (diff | hist) .. mb Legal status of Internet pornography; 07:20 .. [←54](#)) .. [RjwilmsiBot](#) (talk | contribs) (CiteCompletion, works/pubs: 1, authors: 1, using AWB (7419))

4 December 2010

- (diff | hist) .. mb Art nude; 21:44 .. (+47) .. [SmackBot](#) (talk | contribs) (Date maintenance tags and general fixes: build 582:)

3 December 2010

- (diff | hist) .. Template:Photography; 04:20 .. (+27) .. [U1324](#) (talk | contribs) (Add grid)

25 November 2010

- (diff | hist) .. mb Talk:Nude photography; 16:16 .. (+304) .. [SineBot](#) (talk | contribs) (Signing comment by 207.38.212.116 - "?gallery: new section")

17 November 2010

- (diff | hist) .. m Cybersquatting; 21:40 .. (0) .. [ArkinAardvark](#) (talk | contribs) (?See also:)

oved from "http://en.wikipedia.org/wiki/Special:Watchlist"

Ex. Wiki D

EXH 3

Ex. Wiki B

MediaWiki talk:Robots.tx

=="Wikipedia Legal",== {{edit protected}}

Michelle Paulson Esq,

Please add a bot specific exclusion for the Google Inc image bot.

User-agent: Googlebot-Image

Disallow: /

Google Inc was ordered to enter the Wiki CC-BY-SA licensure in United States Court as their rational to show nude art to children in spite of the moral rights being reserved for the author. Curtis Neeley does not oppose the art nudes being shown at Wikipedia.

Curtis Neeley has sued Google Inc in Federal Court for over a year and Google Inc states that CC-BY-SA is their free pass to show his children his nude art at school. Either delete Curtis Neeley's art files at a great Wiki loss or keep out the GoogleBot-Image.

Curtis Neeley loves the Wikipedia Foundation but they must now choose the googlebot-image indexing or Curtis Neeley's photography.

This dialog will be filed in

(5:09-cv05151-JLH) by 12-08-2010.

[[User:CurtisNeeley|CurtisNeeley]] ([[User talk:CurtisNeeley|talk]]) 23:34, 6 December 2010 (UTC)

EXH 4

Ex. Wiki A

Robot Exclusion for Wikimedia images

[edit]

Disallow Googlebot-images

[edit]

Curtis J Neeley v NAMEMEDIA INC et al, (5:09-cv-05151-JLH)

[https://ecf.arwd.uscourts.gov/](https://ecf.arwd.uscourts.gov/cgi-bin/DktRpt.pl?33207)

[cgi-bin/DktRpt.pl?33207](https://ecf.arwd.uscourts.gov/cgi-bin/DktRpt.pl?33207)

Curtis J Neeley has been ordered to attempt to see if googlebot-images can be directed to stay out of the Images donated here. The Plaintiff removed them from the articles but they were reverted back in overnight by others. Must Curtis J Neeley sue the Wikipedia Foundation to force the googlebot-images exclusion? It is now either voluntarily exclude this bot or Curtis J Neeley will ask that the Wikipedia Foundation be added for US Title 17 § 106A violations in the ongoing litigation with Google et al. CurtisNeeley (talk) 21:14, 7 December 2010 (UTC)

EXH 5