

IN THE UNITED STATES COURT WESTERN DISTRICT OF ARKANSAS

CURTIS J NEELEY JR, MFA

VS

CASE NO. 5:09CV05151

**NameMedia Inc.
Network Solutions Inc.
Google Inc.**

BRIEF SUPPORTING REQUEST TO WITHDRAW REQUEST FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Comes now Plaintiff, respectfully to this court and requests the Court grant the Plaintiff withdrawal of the untimely request to Amended Complaint Docket #53 and will explain further as follows.

1. Plaintiff was confused by legalities and response times but believes the NAMEMEDIA INC answer to the Second Amended Complaint that included the same frivolous counter claim testifies that they had no desire to appose the Motion for Summary Judgment on the original counterclaim that was left exactly intact.
2. It has been thirteen days since the MOTION for Summary Judgment against NameMedia Inc Counterclaim was filed and the MOTION for Interlocutory Summary Judgment Leaving the Damages Question for a Jury Against Separate Defendant NameMedia Inc has only been given seven days. Plaintiff will file a motion to again amend but will await the prior pending Motions are ruled on.

3. NAMEMEDIA INC Council replied to Plaintiff request to amend before Plaintiff returned home from the Court building when filing it and in the polite response claimed confusion with the ability to count to ten because the Plaintiff did not *style* the Second Amended Complaint properly.
4. Excuse the *Pro Se* Plaintiff for over-reacting to the outrageous motion to dismiss that was not an answer by Defendant Google Inc and not waiting until the Motions pending were ruled on.
5. Plaintiff is distressed that Network Solutions Inc has not yet responded although they accepted the certified letter with the Second Amended Complaint. Network Solutions apparently has a similarly difficult time counting days as NAMEMEDIA INC Council.
6. Plaintiff welcomes the fact that NAMEMEDIA INC has deleted the nude photos attributed to the Plaintiff without a Court Order although the negative impact has already occurred.
7. Plaintiff profusely apologizes for seeking the Third Amended Complaint while the Summary Judgment Motions were not yet ruled on. Docket #50 has been pending for thirteen days and Docket #56 had only been pending for four days with several days of foul weather. Foul weather does not appear to harm NAMEMEDIA INC ability to cut and paste and file via CM/ECM as done in less than three hours yesterday.
8. Google Inc CEO Eric Schmidt in a CNBC interview upset the Plaintiff outrageously when Plaintiff recently saw Schmidt malign privacy while reading over the Motion to dismiss that jurisprudence will soon require being denied.
9. Plaintiff found it outrageous that Google Inc purports exemptions from laws that protect privacy and claims they only apply to government. Defendant NAMEMEDIA INC Council appears to now want exemptions to R of C P as does Google Inc.

10. Please forgive Plaintiff from not allowing the Court time to rule on Pending Summary Judgment Motions in this date critical case while snow records were being set.
11. The severe traumatic brain injury of the Plaintiff made the outrage felt when encountering Google Inc scanning millions of books without permission and violating copyrights so blatantly cause the distress of the Plaintiff to be multiplied.
12. Plaintiff mailed a letter apposing the proposed Class Action Settlement to Honorable Denny Chin in the Southern District of New York and forgot to ask that the Department of Justice be entered as an interested Third Party in this action.
13. Plaintiff is terribly sorry that NAMEMEDIA INC Council filed an answer and frivolous counterclaim again but did not reply timely to a prior Motion for Summary Judgment to the first frivolous counterclaim. The Second Answer was not harassing other than containing exactly the same frivolous counterclaim.
14. Plaintiff failed to file the exhibits referenced in the proposed Third Amended Complaint and misunderstood the manner for filing exhibits when filing the list of uncontested facts that was filed February 3 Docket #59 and was told that resubmitting the exhibits as attached was required as was done February 10 and was a great deal of work.
15. Pro Se Plaintiff does not wish the NAMEMEDIA INC counsel to be allowed more time for a useless reply to the MOTION for Summary Judgment against NameMedia Inc Counterclaim that was filed January 21 and that was not replied to timely.
16. MOTION for Summary Judgment against NameMedia Inc Counterclaim plead for an order that NAMEMEDIA INC remove the nude photographs and NAMEMEDIA INC has since removed them whereby Plaintiff discovered other search engines following the Google Inc CEO Eric Schmidt ideal that if you do not want something known that something should not be done.

17. Plaintiff is glad that NAMEMEDIA INC removed the nude photos without requiring a Court order, but would prefer that they never had assumed a license by fraud. Plaintiff feels a few million or thousand dollars at least will make the frivolous counterclaim almost begin to offset the emotional damages the Plaintiff has suffered.
18. Plaintiff expects opposing Council will again have time to CM/ECF another reply before Plaintiff returns home in his wheelchair van.
19. The missing exhibits from the Third Amended Complaint and the letter sent to Honorable Denny Chin in Southern District of New York regarding case 1:2005-cv-08136 is attached here but will be referenced by Docket number and attachment # in the future to reduce duplicating exhibits. Pro Se Plaintiff apologizes profusely for doing this while misunderstanding the filing process thus far. *See* Ex, YAHOO, AOL, BING, CHIN for the last time.

Wherefore the Plaintiff is profusely sorry that the Request for Leave to Amend was not yet timely, Plaintiff begs the court to allow the untimely Request for Leave to Amend be withdrawn or dismissed without prejudice instead of awarding NAMEMEDIA INC a benefit and dismissing a Motion that was ignored.

Respectfully Submitted

Curtis J. Neeley Jr., MFA

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of February 2010, I will file the foregoing and it will be entered in the CM/ECF System and notification of such filing will be sent to all attorneys on record and be available to the Public via PACER whether the Public is a copyright conspirator or other interested party like at the following addresses:

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/s/Curtis J Neeley Jr, MFA
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