IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v.

CASE NO. 5:09~cv~05151

NameMedia Inc.
Google Inc.

Supplemental Brief Supporting Docket 239

United States' Courts have demonstrated a consistent inability to address wire communication called the Internet and this Supplemental Brief further explains docket 239 as does the Local Rule 7.3 Written Court Communication Dkt. 245 incorporated herein by reference.

1. During the hearing on December 6, 2010 when Honorable Erin L Setser asked Google Inc the following question. "Well, just out of curiosity, is it possible for Google to prevent these pictures from coming up when you type in his name?" The reply by Michael Henry Page Esq for Google Inc was as follows.

> *"No. Well, not, not without an insane amount of effort. For one thing, search is completely automated. It goes out, it crawls the web, it sees what's there, and it reports it back. The machine has no way of knowing whether a picture is nude, whether the person searching for it is Muslim. All it knows is that there are some bits out there that say Curtis Neeley and there are other bits on the same page and there are pictures."*

The preceding claim was deceptive on its face and relied on the United States Court's traditional unfamiliarity with wire communications called the Internet in order to excuse pornography broadcasts. The question was presented "*just out of curiosity*" and the Plaintiff is now curious if those type questions excuse such deceptions.

2. Michael Henry Page Esq may have honestly believed it would take an insane amount of effort to prevent Mr Neeley's nude and figurenude visual art from returning when typing in "Curtis Neeley". Having practiced law since 1991, it is not likely that Michael Henry Page Esq understands the simplicity of preventing nudes and figurenudes done by the Plaintiff from returning in a wire search. The Counselor did not report not knowing whether it would be possible to prevent the return of the Plaintiff's visual art or not, as would have been accurate. Michael Henry Page Esq instead

attempted to sound as if sure that altering results of the search for "Curtis Neeley" would be difficult, as is a false allegation.

3. Michael Henry Page Esq began by telling the standard and "accepted" Google Inc claim that searches are "completely automated" and done by "machine". Machines are not able to think and only do EXACTLY what they are instructed to do. Nothing "crawls the web" or "reports back" because the search is simply a program executing on Google Inc computers exactly as instructed by Google Inc programmers in the program. When a query is executed in a Google Inc search the "live" Internet is not searched based on the query but a copy of the content recorded and stored on Google Inc computers. The "going out" and "reporting back" are nothing but figures of speech.

4. Besides this, Google Inc alleged already that their search of the "Internet" is live. This is another inaccurate claim. It is not possible to search "the Internet" in real time and will never be. The copies of data that are searchable are updated continually but this continual repetitive searching and copying is completely different from being live and "real time".

5. The Plaintiff is very familiar with the fact that it is very easy and very possible to prevent the Plaintiff's original visual art from returning in a search for "Curtis Neeley". It is only "*insanely difficult*" to understand why preventing the Plaintiff's original visual art from returning is not already done. The search query of "Curtis Neeley +site:wikimedia.org | +site:artnude.pp.ru | +site:free.fr |+site:wikiwak.com | +site:arte.go.it | +site:wordpress.com | +site:artring.net | +site:michelle7-erotica.com | +site:michelle7.com | +site:models-forum.com | +site:wikipedia.org" returns the results in Exhibit "B" and includes images from ONLY the domains listed as offensive. The "|" character is simply the "or" command. Seven images returned were done by the Plaintiff and yet twenty-nine other nude images in Exhibit "B" were not done by the Plaintiff and are marked in Exhibit "B", which is a print of Google Inc "PORN-engine" results.

6. These thirteen domains and are excluded so that even a search for "*Curtis Neeley nude*" returns no nudes by the Plaintiff in even the completely pornography accepting standard or Google Inc "no filtration" search or any other "Curtis Neeley something" search.

7. The seven domains that follow are the only excluded domains for only "Curtis Neeley" Google Inc searches done at <curtisneeley.com/GoOgle/index.htm> seen in Exhibit "A".

> "-site:wikimedia.org -site:artnude.pp.ru -site:free.fr -site:wikiwak.com -site:arte.go.it -site:artring.net -site:wikipedia.org".

8. Dkt. 245, “Local Rule 7.3 Written Court Communication”, was not done to cause frustration and was done due to the fact that discovery questions are being objected to that involve the “copyrite” claims that were dismissed in a bare error in law.

9. There was a time in United States history where belonging to one race meant you could be purchased and had no personal rights and could not even vote. President Barak Obama is a good indication of how far the United States has now come in regards to that.

10. Prior to 1990 in the United States, the fundamental human right to control the integrity of original visual art was not recognized. This fundamental human right has not been tested in Courts and is not yet taught as existing and, therefore, does not yet exist.

11. Judicial appointments cause an extreme case-load and require that this court handle more cased than is normal. This supplement illustrates exactly how simple it would be for Defendant Google Inc to cease returning the Plaintiff’s original nude and figurenude art and thereby comply with US Title 17 § 106A fundamental human rights recognized in the United States first in 1990.

12. The decisions now pending consider whether the right acknowledged in US Title 17 § 106A is actually recognized instead of just being alleged in US law. Fair-use is an exception to United States “copyrite” law that exists for visual art unless there is a waiver. Google Inc should not be allowed to display visual art simply by “attributing” it to the artist who creates it like Google Inc claims is their fair-use right.

13. Another argument pending is the Defendant Google Inc entitlement to US Title 47 § 230 exemption to State claims as an Internet Service Provider. Google Inc does not sell connectivity and the exemption does not apply *per se*. This § 230 exemption compares more accurately to the telephone company not being held responsible for things stated by phone or by newspapers not being held responsible for advertiser content. This litigation will impact wire communications called the Internet and “copyrite” more than any action that has ever been brought and warrants an extreme investment in jurisprudence and addition of the Federal Communications Commission as a Defendant.

Whereas at this time; the once-incompetent Plaintiff is not "insane" and has created unregulated wire locations where these exhibits can be generated by any viewer. This "URL" is <**curtisneeley.com/Google**> and the Plaintiff invites the Court to visit and see. The Western District of Arkansas Court Staff generated scans that are extremely inaccurate and approximate the costly exhibits submitted. This consistent mutilation of submitted evidentiary exhibits warrants a new trial already besides the numerous errors in law. "Copyrites" are fundamental individual human rights that have existed as long as all other civil rights. The United States at one time considered human slavery to be legal and was also the only developed country failing to recognize "copyrites" to be personal rights. The United States' pre-1990 licensing of the human right to control integrity of visual art was reaffirmed by Honorable Jimm Larry Hendren in error. The Plaintiff has requested reconsideration of this error and will enter another interlocutory appeal as a pauper if this fundamental human right is not recognized now rather than continuing to wait for justice. This issue is now pending in addition to reconsideration regarding allowing the Federal Communications Commission to be added for failing to regulate wire communications called the "Internet" for disguise. This supplemental Brief is entered as well as Exhibits "A" and Exhibit "B" so the Court may see how mutilated all exhibits have been compared to the following mirror URL, as has been asserted on every Certificate of Service.

http://www.CurtisNeeley.com/5-09-cv-05151/Docket/index.htm.

Respectfully,

Curtis J. Neeley Jr., MFA