

# IN THE UNITED STATES COURT WESTERN DISTRICT OF ARKANSAS

***Curtis J Neeley Jr., MFA***

***V***

***CASE NO. 5:09-cv-05151***

***NAMEMEDIA INC***

***Google Inc (GOOG)***

***Federal Communications Commission (FCC)***

## COMPLAINT FOR WIRE FRAUDS AND REFUSAL TO REGULATE WIRE COMMUNICATIONS

Comes now the Plaintiff, respectfully and states for this complaint s concisely as the severely brain-damaged, pro se litigant is able in this extremely complicated intellectual properties case including Title 17 Infringements and repetitive public defamations and violations of “Due Process” and “Equal Access to the Law”. The Plaintiff is outraged by learning of the fraudulent business policies of the Defendants discovered while researching how his pre-teen daughter was exposed to Plaintiff’s original photos of the figure nude as an object of art on the Internet by wire. The Courts call this a “new medium” that is apparently exempt from even moderate regulation in an obvious error that violates the intention of the Communications Act of 1934. The particular actions can be described as follows and are supported by the existing mutilated docket entries and will be further supported by witnesses and slide presentations during trial.

# **I. NAMEMEDIA INC**

## **Original Artwork Theft**

2. Plaintiff previously was trained in commercial photography and <eartheye.com> was the website used for his art. Plaintiff continued to do art photography as well as commercial photography and created a user profile at <photo.net> and uploaded some art while an incompetent or before recovering guardianship on January 26, 2006. The Plaintiff was never aware of the ownership of <photo.net>. Defendant NAMEMEDIA INC purchased <photo.net> in 2007. Defendant NAMEMEDIA stopped allowing users of the site to delete art and began to claim perpetual licensure to all user content. NAMEMEDIA INC alleged photos could be deleted but the Plaintiff soon discovered this was false and the Plaintiff began posting photos elsewhere. On a forum posting on July 12, 2009, the Plaintiff posted that the new site owners would face him in Court and Mr Neeley wished for them to delete his art. About July 24, 2009 Defendant NAMEMEDIA INC deleted Plaintiff's access to <photo.net> and yet continued preventing deletion of his user art, which was continually demanded.

## **NAMEMEDIA INC Malicious US Title 18 1343 Violations or Defamations**

5. Hannah Thiem, the "Digital Millennium Copyrite Agent" (DMCA) of Defendant NAMEMEDIA INC, was notified and ignored the Plaintiff but was relying on the Plaintiff's disability and paralysis to make mailing notices nearly impossible. The Plaintiff notified Ms Thiem using an IP beacon to confirm delivery as well as using MySpace and Flickr social websites. The Plaintiff also signed up as a new user at <photo.net> and posted comments on the photographs requested deleted where a period was actually an IP beacon. Many of these image displays were then tracked, as evidence will show during TRIAL.

1 6. The Plaintiff had demanded that the art be removed repeatedly because it was art of the nude  
2 figure. The Plaintiff became aware that it was displayed to minors and was very likely to have  
3 caused his minor child's outrageous communication of December 26, 2008. The Plaintiff's severe  
4 traumatic brain injury, which once left him incompetent, is permanent. Curtis J Neeley Jr does not  
5 remember a daughter living with him prior to injury. Despite this fact, the Plaintiff loves her and  
6 sought diligently to be the best absent parent possible and not display nudes anonymously online..  
7

8 7. Curtis J Neeley Jr, MFA, believes that no minor, no atheist, and no practicing Muslim should  
9 be exposed to figure nude art. Shortly after this lawsuit was entered, the Plaintiff realized that  
10 Defendant NAMEMEDIA INC and Defendant Google Inc operated the image search on <photo.net>  
11 that attributed nude photographs to Plaintiff by name and displayed them to minors or any  
12 anonymous visitor **while alleging plaintiff's permission.** This lawsuit was served on Defendant  
13 NAMEMEDIA INC but the attribution and display of nude art continued after the DMCA agent  
14 listed as Hannah Thiem had viewed the notice and she and/or NAMEMEDIA INC chose to ignore it.  
15

16 8. In January 2010, the Plaintiff discovered a new DMCA agent was listed for Defendant  
17 NAMEMEDIA INC. Plaintiff set out to repeat his monitored notification to get the images deleted  
18 expeditiously. Plaintiff researched the DMCA agent by wire and determined that the posted address  
19 was where Robb Rosell operated a website design business. Plaintiff contacted all disclosed clients  
20 of the new "DMCA agent" and asked that they relay the notice regarding nude art being displayed  
21 against Plaintiff's wishes **while allegedly being shown to minors by specific permission.**  
22 Defendant NAMEMEDIA INC then finally deleted the nude photos and ceased attributing Plaintiff  
23 with "inappropriate" nude art around January 24, 2010 as a result of the second DMCA notice.  
24 Plaintiff then stopped USING <namemedias.com> as a protest site since <photo.net> deleted the  
25 images Plaintiff USED <namemedias.com> to protest.  
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## II. Google Inc

### Google Inc Defamation while claiming authorization during litigation

9. Defendant Google Inc attributed Plaintiff's 'figure nude' images *correctly* with no concern for US Title 17 frauds or defamation continually by name on <google.com> and on <photo.net> until Defendant NAMEMEDIA INC deleted the 'figure nude' images after the second DMCA agent, Robb Rossel, caused deletion on or after January 24, 2010 but not until then.

10. Defendant Google Inc attributes the Plaintiff to nude art by image searches of his personal name from various websites where the Plaintiff had disclosed his art creation by choice and from images Plaintiff never had on his own website. Google Inc fraudulently allowed and now allows anonymous viewership of anything to support profits.

### Eric Schmidt CNBC Rejection of Privacy

11. Eric Schmidt states in an interview with CNBC that if a person has anything they do not want anyone to know about, they had best not do it. Eric Schmidt is the Earth's wealthiest human in history due to inventing a way to disguise pornography as free speech.

12. The Plaintiff will show the jury how Yahoo Inc, Microsoft Corporation, and IAC/InterActiveCorp **ceased returning nudes for image searches of the Plaintiff's personal name** during this litigation when made aware it disturbed the Plaintiff and asks how Google Inc could dare to say that ceasing to return nudes for searches for "Curtis Neeley" would require shutting down Google.com. *See Docket 73 Ex #2 Yahoo, #4 Bing and perform wire searches now and compare.*

## Google Inc re-publication of nude art scanned from a library

13. After this lawsuit was filed and after Google Inc had filed an answer claiming the affirmative defense of failure of the Plaintiff to mitigate damages on March 2010, Google Inc continued to expand their defamatory and fraudulent actions after Plaintiff's request to Amend on March 17<sup>th</sup>, 2010 where in Docket #111 # 1 Exhibit (Third Amended Complaint) in the Conclusion/Prayer section ¶ #2 on p. 18 the Plaintiff stated as follows.

*"Plaintiff is an overlooked, outraged artist not part of the class in New York because his original photographic art is published in a book that was already seen at <Books.Google.com> and has a registered copyright from 2006 titled "The Renascent| Vol. 3 Photography".*

Plaintiff prepared an exhibit but forgot to include it. The omitted exhibit reveals only that, "No preview is available", and Google Inc had the wrong author listed. This revealed the distress of the Plaintiff as follows.

*Is this book scanned by Google already? My nude photography is in this book and I already sued Gogle for violating my copyrights and common law TMs. They say that if it is already copyrighted they will pay \$60 for violating the copyrights? I want 60 billion instead.*

14. The posted review above was deleted when Google decided to expand their fraudulent defamation and this action causes outrage as well as demonstrating intentionally increasing their exposure and thereby showing disrespect for Court. Fraudulently defaming an artist again while in Federal Court for defamation is an admission of not considering this US Court Action sincerely enough to mitigate the damages created and the opposing Counsel actually commented on the posted comment demonstrating being aware of this posting in the record.

See Docket 135 Ex. 1 Google-Oops <curtisneeley.com/NameMedia/Google-Oops.pdf >

See Docket 135 Ex. 2 Google-Oops2 <curtisneeley.com/NameMedia/Google-Oops2.pdf >

1 15. Defendant Google Inc uses their “Curtis Neeley” broadcast using the Plaintiff’s personal  
2 name, which is shared by his father, and results in repetitive “attributions” to nude images in a  
3 manner that is outrageous defamation and fraudulent. Neither the Plaintiff, nor his father, condones  
4 broadcasting nudes to an anonymous viewer who refuses to take responsibility for the viewership of  
5 nudity. Neither would allow their children or grandchildren to view nudity presented by Google Inc  
6 using only the personal name “curtis neeley” in searches only.  
7

### 8 **The Google Inc 2010 defamation during litigation**

9 16. Google Inc Books, after March 7, 2010, attributed Plaintiff correctly to three original  
10 ‘figure nude’ art photographs scanned by Google Inc and uploaded and shown to anonymous users as  
11 is offensive and shames the Plaintiff and violates rights to privacy. Courts have ruled that publication  
12 of a book online requires a new authorization and the Google Inc fair-use argument has already been  
13 rejected by NYSD Courts.  
14

### 15 **The Google Inc 2011 fraudulent defamation**

16 17. Google Inc attributes Plaintiff *correctly* to three original ‘figure nude’ art  
17 photographs *allegedly* sourced from <curtisneeley.deviantart.com>. These three nudes  
18 were shown to anonymous users as is offensive and shames the Plaintiff and violates  
19 privacy rights despite site viewership filtration preventing them from being displayed  
20 to anonymous persons called “adult filtration” on the *alleged* source. See exhibits as  
21 attached to Dkt. #260 and not as scanned by District Court Clerks on the Plaintiff’s  
22 mirror as disclosed on every Certificate of Service..  
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### III. Federal Communications Commission

#### Federal Communications Commission Nonfeasance

18. The Federal Communications Commission (FCC) regulated wire communications when they were the only way to deliver communications across oceans. Wire communications, as described in the Communications Act of 1934, evolved into a worldwide apparatus connected to either end of the wire and the FCC abandoned regulation of content transmitted by wire. The FCC reports not regulating wire as is obvious by looking at the record and comparing this to CBS v FCC, (06-3575) and attempting to understand how the nude images by the Plaintiff are transmitted by wire and how searching for “Teri Weigel” by wire results in transmissions by wire of explicit pornography if you are a child you must lie and be unsupervised or only search for “Curtis Neeley” at <google.com>

See <bing.com/images/search?q=teri+weigel>

See <video.search.yahoo.com/search/video?p=teri+weigel>

See <google.com/search?q=teri weigel&hl=en&tab=wv>

See <google.com/images?hl=en&q=curtis+neeley>

#### **Prayer for punitive, compensatory, and for injunctive relief**

Whereas the Plaintiff has faced a tortuous swarm of activity, Plaintiff asks for Court ordered relief as follows to mitigate damages due to distress and to compensate for the distress as well as establishing preliminary injunctions to prevent the actions from recurring or continuing. In the interest of punishing the Defendants who all acted maliciously or recklessly when causing the damages, Plaintiff asks a Jury to establish a truly punitive award that could amount to hundreds of billions.

1 19. The Plaintiff seeks creation of a nonprofit *Search Engine Alternative* that does not violate US  
2 Title 17 after revised to acknowledge the Rights to Attribution and uses its income to offset taxes and  
3 is controlled by an elected board with board members representing the States based on population.  
4 Plaintiff asks that the jury assist in establishing a just compensation beyond his traumatic brain  
5 injured mind's abilities to imagine since a JURY award is not subject to being set aside or reduced  
6 for violating Due Process, as will be claimed.

8 20. Defendant NAMEMEDIA INC who instigated this action and who acted very maliciously  
9 defamed by image attribution they instigated NAMEMEDIA INC should face a punitive award of not  
10 less than 150 million dollars and rights to the domain <photo.net> that was initially used to defame  
11 the Plaintiff.

13 21. Defendant Google has a business policy of violating the fundamental exclusive right to  
14 attribution and do this to profitably traffic in pornography by search engine broadcasts since the FCC  
15 is nonfeasant and allow this where other countries do not. Google Inc should face an injunction to  
16 return no nudes for any image search containing the name of the Plaintiff plus no less than 10 billion  
17 dollars for a punitive award considering their maliciously expanding defamations during this lawsuit.

19 22. <Google.com> should be ordered to not return results not allowed returned by <lycos.com>  
20 for all uses of the Plaintiff's personal name as a preemptive injunctive order made unquestionably  
21 necessary during this litigation and maturing to become permanent.



23. Punitive damages should be set by a JURY in light of profits due to this policy while recognizing that each Defendant will claim the award violates Due Process. **Half of the award will be paid in taxes.** This will result in the Seventh Amendment finally applying to the States and the unnamed class is every US taxpayer parent or person opposed to porn trafficking and indirectly every person on planet Earth where wire communication disguised as the Internet now exists unregulated.

24. Google Inc should be subject to punitive damages of three billion or an amount the JURY deems adequate for Google Inc digitally re-publishing Plaintiff's original nude photographs from "*Renascent Vol 3 | Photography*" after this action had started and acknowledging Plaintiffs distress but maliciously ignoring it and bypassing filtration established to prevent display of nudity.

## **FCC Injunctive Relief**

25. The Plaintiff prays that Federal Communications Commission be ordered to regulate wire communications as defined exactly in the law but not regulated in an ultimate act of hypocrisy. The FCC should be ordered to require that all computers attached to one end of the wire be regulated and that the wire division of the FCC create a search engine and require mandatory self-rating of computers attached to the wires called the Internet and establish fines for wire communications of indecency. A period of 180 days could be allowed to pass before policing of wire Communications would begin where connecting a file with a disclosed URL wherein a search engine might index it is considered communications by wire. Search engines indexing copies of indecent locations would be treated as transmitters of indecency as if the search engine had originally communicated it due to gathering the indecency and then choosing to republish it for profit. The FCC should be ordered to cease all uses of the term "the Internet" except as the term for the early and unregulated wire communications venue for pornography that broadcast pornography under the ruse of free speech.

1 26. The FCC should regulate browser distribution where all browsers must be FCC “approved”  
2 and browsers must have a plug-in where the FCC robot exclusion protocol prevents display of any  
3 wire location not rated or rated above the computer purchaser’s settings. A website directory rated  
4 “R” would therefore never be displayed on a computer set to only view “G” websites. Robot  
5 Exclusion Protocol would be used to rate directories of the computer attached to one end of the wire  
6 and REP would be established and made mandatory by the FCC wire division. The FCC would  
7 handle fining for wire communications when not rated or rated inconsistent with current FCC  
8 standards. Extra-national violations of the established REP would require that no search engine list  
9 the violator or acquire the same liability the extra-national violator would have had.

10 27. The FCC should pay Mr Neeley for helping the FCC stop the wire communications of  
11 pornography and indecency and establishing the non-profit FCC search engine where profits fund the  
12 wire division of the FCC and otherwise fund Social Security and Medicaid or otherwise offset taxes.  
13

## 14 **Title 18 Rational for the PRAYER to a JURY**

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16 28. Only a JURY trial has the solid constitutional footing to require enforcement of laws and  
17 punish criminal wire-fraud violations as have been done to Curtis J Neeley Jr., MFA in this  
18 EXTREMELY complicated but closely related swarm of torts. Application of the Rule of Law is  
19 either logical or incorrect as should now be obvious. No company; Regardless of how profitable, has  
20 the right to run roughshod over any citizen’s rights. This action was intentional and was criminal use  
21 of serial felony wire communications as described in Title 18 § 1343 and the Plaintiff seeks a  
22 punitive damages award that will be the largest in history halting Google Inc from profiting on wire  
23 communications until they can do it without pornography and without violating any citizens rights.  
24 The taxes paid on this award are a commission that will be paid to every taxpayer and should affect  
25 the US budget.

26 Respectfully Submitted by Hand,

27  
28 Curtis J Neeley Jr., MFA