

**IN THE UNITED STATES COURT FOR THE
WESTERN DISTRICT OF ARKANSAS**

Curtis J Neeley Jr.

CASE NO. (5:13-MC-66)

**Federal Communications Commissioners,
US Representatives; John Boehner, et al,
US Senators; Joe Biden, et al,
US Attorney General, Eric Holder Esq,
Microsoft Corporation,
Google Inc.**

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

NOV 15 2013

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

Defendants

**BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION OF
DENIAL OF MOTION FOR LEAVE TO FILE *PRO SE* COMPLAINT**

As supported by the Federal Rules of Civil Procedure Rule #46 the pro se party objects to the Ruling and the Order of Dkt #3 and asks this matter be set for trial by a jury because the amount in question is far greater than the \$20 required to create a Seventh Amendment Right to a Jury.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

The obvious facts apparently misconstrued by the District Court thus far are elucidated further herein while retaining respectful tenor and listing errors of fact clearly so these may be considered individually. Curtis J Neeley Jr alleges these simple facts are obvious to the common juror and the entire generation of jurors or justices who are not older than 65. There is no wholly pleasant way to describe cultural obsolescence beginning to impact judgments due to sea changes in communications technology but this will be an attempt to respectfully describe the sea-changes in communications culture that were not considered though brought in good faith with acceptable tenor.

THE COPY[RITE] ACT OF 1790 WAS THE FIRST USAGE OF THE WORD [SIC] "COPYRIGHT" IN A LAW ON EARTH. THIS AMERICAN RITE NEVER CONSIDERED THE MORAL HUMAN RIGHT TO CONTROL ORIGINAL INDECENT ART AND PREVENT UNDESIRE
I. COPIES FROM BEING MADE BY COINING AN INTENTIONAL MISSPELLING OF COPY AND RITE AS COPY AND RIGHT THOUGH NO HUMAN RIGHT WAS PROTECTED OR EVER RECOGNIZED.

1. At the close of the Eighteenth Century, the "American Colonies" rebelled against "England" and lexicographer Noah Webster wished to make the American English language become distinct from the English language he had been taught. Noah Webster wanted to make American English easier to learn and did not wish early American schools to adopt textbooks imported from "England". Noah Webster wanted to make tongue be spelled like it sounded with one vowel like "tung" and wanted "colour" to be spelled as "color" without the letter "u". Noah Webster knew the way to change a nation's language was to change elementary school books. Noah Webster wrote the Copy[rite] Act of 1790 or copied the *1710 Statute of Anne* in order to create a monopoly on early school books but did not trouble with the moral rights of authors that were already protected by law in "England". The early national monopoly for school books quickly made Noah Webster's first "*American Dictionary of the English Language*" 1828 become the first dictionary on Earth to include [sic] "copyright" to intentionally disparage the compound usage of copy and rite by misspelling copy[rite] as [sic] "copyright". This misspelling was not adopted by Johnson's *Complete Dictionary of the English Language* in 1836 or in the dictionary that was used for writing the US Constitution explaining why the Progress Clause of Article I, Section 8, Clause 8 never had the misspelled human right disparaging rite word [sic] "copyright" in it.

2. The first recognition of moral rights for visual artists in any law was the *1734/5 Engravers Act or Hogarth's Act* done first in the country Noah Webster copied the *Copy[rite] Act of 1790* from. The disparagement of these human rights and the associated responsibilities is why the "porn-ter-net" developed quickly in the United States but was and will never be able to compete with Chinese wire communications where no judicial revision of law like 47 U.S.C. 230 could establish the sales of anonymous "indulgences" in pornography. American communications criminal Google Inc, of course, somehow now avoids pornography from China after told do either do this or leave China.

THE LAW THAT MAKES IT A CRIME TO INTERCEPT PRIVATE OBSCENE, INDECENT, OR PROFANE WIRE COMMUNICATIONS AND DISCLOSE THESE PRIVATE OBSCENE, INDECENT, OR PROFANE WIRE COMMUNICATIONS WASN'T REPEALED OR CONSIDERED.

1. The clear communications law of 18 U.S.C. 2511 has never been repealed and should therefore be applied instead of being ignored like was done in the order of Dkt #3.
2. In an attempt to prevent this error of law, Curtis J Neeley Jr., asks Honorable Jim Larry Hendren to consider 18 USC 2511 and explain why this law is not applied by using 18 U.S.C. 2511 in any subsequent order. The relevant portions of this law follows with highlighting added.

(1) Except as otherwise specifically provided in this chapter **any person who—**

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e)

- (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511 (2)(a)(ii), 2511 (2)(b)–(c), 2511(2)(e), 2516, and 2518 of this chapter,
- (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation,
- (iii) having obtained or received the information in connection with a criminal investigation, and
- (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, ...

3. Reading over the clear law above, the interception and disclosure of private art sales when done by Google Inc and Microsoft Corporation is clearly a federal crime. Curtis J Neeley Jr. does not understand why this valid law does not require a jury trial to recover civil damages and entitle Google Inc and Microsoft Corporation to a criminal jury trial. ALL naked images were removed from deviantart.com because of the Google Inc intercepting and disclosing these illegal obscene, indecent, or profane images but THIS CRIME IS DONE ON NOVEMBER 15, 2013. This is shown in the attached Exhibit A. These images are not naked but are shown by Google Inc in unquestionable violation of federal statute that was never considered and estoppel cant apply. See 18 U.S.C. §2511

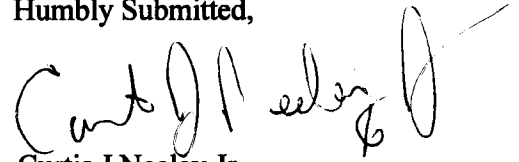
.PRAYER

1. Curtis J Neeley Jr prays that Honorable Jimm Larry Hendren recuse and that another judge under the age of 65 be appointed to consider this request. This request is based in part on Canon II of the Codes of Judicial Conduct where rulings on prior proceedings give the appearance of judicial bias as could not be any more clear than done in Dkt# 3 by ignoring 18 U.S.C. §2511.
2. Curtis J Neeley Jr prays Honorable Jimm Larry Hendren recognize his own conflict of interest and the clear appearance of a determination to frustrate communications justice sought by the disabled Curtis J Neeley Jr due to Mr Neeley's past and continuing lack of respect for Article III Judges refusing to retire and insist on deciding the latest criminal violations communications law despite these decisions being clearly attempts to apply existing laws on wholly new communications technologies these Article III Judges don't understand including the Supreme Court.
3. Curtis J Neeley Jr prays Honorable Jimm Larry Hendren consider the FACT that any display of nakedness on "mysterious" [sic] "internet"wires to the anonymous is also a criminal Wi-Fi radio broadcast. Perpetuation of this crime will be this actions legacy now without any question whether it be called *Neeley I*, *Neeley II*, *Neeley III*, or other.

4. Regardless of consideration prayed for herein, Curtis J Neeley Jr, will accept rulings of Honorable Jimm Larry Hendren and attempt elucidation of these crimes in other venues until Tuesday, October 31, 2023. This process will be the final Civil attempt in court till 2023. Curtis J Neeley Jr prays Honorable Jimm Larry Hendren reconsiders Dkt #3 and Christ's gift of forgiveness again soon. Curtis J Neeley Jr appreciates the attempt to rule honorably herein and overcome personal bias caused by Curtis J Neeley's bad tenor.

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Humbly Submitted,


Curtis J Neeley Jr.