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

**Curtis J Neeley Jr.** **Plaintiff/Appellant**

**v.** **CASE NO. 14-cv-5135**

**5 Federal Communications Commissioners,**
**FCC Chairman Tom Wheeler, et al,**
**US Attorney General, Eric Holder Esq,** **Defendants/Appellees**
**Microsoft Corporation,**
**Google Inc.**

## Complaint Seeking Civil Damages for Intentional Continued Violations of 18 U.S.C. §2511 & Ark. Code Ann. 5-41-103 as Authorized by 18 U.S.C. §2520 & Ark. Code Ann. 5-41-106 & Authorized from FCC Commissioners & the U.S. Attorney General by 42 U.S.C. §1983

This Plaintiff/Appellant has a long, convoluted, dishonorable history in the United States Court for the Western District of Arkansas for the only attempt in history to seek damages for violations of 17 U.S.C. §**106A*** "*online*" for original photographs or for photographs shown ANYWHERE since 1990 when 17 U.S.C. §**106A*** was created. This District Court held 17 U.S.C. §**106A*** excludes "*online*" publications. **This prior mistake is not the rational for this complaint**. All naked images once authored by this Plaintiff/Appellant besides two "online" are gone or are deleted. There remains ABSOLUTELY no usage of this Plaintiff's name with Plaintiff's or another's original naked art like fraudulently asserted by both Google Inc and Microsoft Corporation. Unfortunately; Some usage of Plaintiff's name remains on pages with naked images. **These misuses of Plaintiff/Appellant's name are NOT PART OF THIS COMPLAINT**.

## I. 18 U.S.C. §2511 - ORGANIZED CRIMES

1. Interception and disclosure of wire, oral, or electronic communications is a prohibited criminal act and this entire statute does not contain "*contemporaneous*" or any reference for times intercepted or places intercepted like Honorable Timothy L. Brooks asserted counter to clear law. "Intercept" is defined in 18 U.S.C. §2510(4) as follows.



Appellate Case: 14-3447 Page: 1 Date Filed: 11/18/2014 Entry ID: 4217507

*(4) "intercept" means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.*

2. Communications authorized only for authenticated individuals are not authorized for display to the general public like described in 18 U.S.C. §**2511**(2)(g)(i)*. Communications are intercepted by Google Inc and shown to children and the unauthenticated. Plaintiff/Appellant seeks the punitive damages authorized in 18 U.S.C. §**2520**(b)* when appropriate. Organized criminal Interception of "*good Samaritan*" artists like this Plaintiff/Appellant attempting to conceal indecent or top-secret art from the unauthenticated make punitive damages appropriate.

## II. Ark. Code Ann. 5-41-103 - ORGANIZED CRIMES

. Plaintiff/Appellant also seeks civil damages for Ark. Code Ann. **5-41-103*** computer frauds from Google Inc and Microsoft Corporation when these type "damages" are appropriate. Civil recovery is provided by Ark Code Ann. **5-41-106*** as follows:

**ARK. CODE ANN. 5-41-106***

*(1) Any person whose property or person is injured by reason of a violation of any provision of this subchapter may sue for the injury and recover for any damages sustained and the costs of suit.*

*(2) Without limiting the generality of the term, "damages" include loss of profits. -*

## III. 42 U.S. Code § 1983 HUMAN RIGHTS VIOLATIONS

*"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."* ...



Appellate Case: 14-3447 Page: 2 Date Filed: 11/18/2014 Entry ID: 4217507

1. Plaintiff/Appellant seeks redress from each FCC Commissioner and the U.S. Attorney General for allowing the communications privacy and computer fraud crimes allowed in communications used in interstate commerce under color of law by failing to regulate interconnected wires as "*Communications Act of 1934*" Title II common carriers. These wires use the [sic]"Internet" wire communications protocol defined in the "*Communications Act of 1934*" in 47 U.S.C. §**153 ¶(59)*** exactly like follows.

**(59) WIRE COMMUNICATION**

> *The term "wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.*

2. The definition above clearly includes all mobile telephones, all Wi-Fi communications, as well as every apparatus communicating on the [sic] "Internet" via wire communications **whether called *"wireless"* or *"Wi-Fi"* the last few miles or not**.

3. Actual damages are more than $512.82 and a **jury** trial of peers is demanded and is guaranteed by the Seventh Amendment as follows below with $512.82 being the inflation adjusted amount $20 from 1790 would be in 2014. Punitive damages are warranted and demanded from an AR jury guaranteed by the Seventh Amendment. This fundamental human right is mentioned in the "*Communications Act"* of 1934 as follows.

**from: THE COMMUNICATIONS ACT OF 1934**

> *"[uniting] the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: Provided, however, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate*".| underlining substituted for original italics.



Appellate Case: 14-3447 Page: 3 Date Filed: 11/18/2014 Entry ID: 4217507

## THE SEVENTH AMENDMENT

*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.*

4. This Plaintiff/Appellant has a severe traumatic brain injury and is **acutely** aware of the potential for negative impact on a human's mental state caused by physical changes in the human brain. Regardless; the term **inviolate** was carefully written by Congress in order to preserve the "*Seventh Amendment Right to a Jury Trial*" - inviolate.[1]

5. This means the desires of the United States Court for Western District of Arkansas to look at "*artisan n_des*" anonymously like described by Honorable Timothy L. Brooks and Honorable Jimm Larry Hendren and the personally biased desire of Honorable Magistrate Erin L. Setser to find this Plaintiff/Appellant in violation of a prior injunction despite contrary facts in the record are wrongs unable to harm or change the jury right except by judicial fiat, like already done, begging this Eighth Circuit's correction.

6. The personally biased decision of Honorable Magistrate Erin L. Setser to forbid "IFP" appeal makes misunderstanding[2] 47 U.S.C. §**153 ¶(59)*** as relevant to an appeal as the **personal** desire to protect an impermissibly vague injunction set by Honorable Jimm Larry Hendren. Honorable Jimm Larry Hendren **elevated** Honorable Magistrate Erin L. Setser from a clerk never practicing law privately before a judge in 2009 to being a District Court Magistrate Judge three months after (5:09-cv-05151) was filed.

---

1 Inviolate -: not harmed or changed : not violated or profaned; especially : pure | "Inviolate." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 19 Oct. 2014. <http://www.merriam-webster.com/dictionary/inviolate>.

2 "*Well, Mr. Neeley, do you, do you understand that when you post something on the internet, you're making a public posting? You understand that? When you go on there and blog about a photograph, it's likely that it's going to be -- your comment and your name are going to be linked to that photograph, so I'm having a hard time understanding why you fault Google for that.*" | From (09-cv-05151) Dkt #**216*** p13



Appellate Case: 14-3447 Page: 4 Date Filed: 11/18/2014 Entry ID: 4217507

7. Honorable Magistrate Erin L. Setser is unfamiliar with standing before a District Court or ANY OTHER COURT and hoping, praying, or begging for fair rulings despite believing bad prior tenor, which cannot be undone, prevents the fair rule of law in the Western District of Arkansas like implied by seven ignored affidavits that were never entered into the record or addressed as Honorable Timothy L Brooks alleged.

8. This Plaintiff/Appellant does not believe Honorable Magistrate Erin L. Setser or ANYONE ELSE should be a Magistrate judge without practicing law privately before a judge and also does not believe any judge should rule beyond age seventy (70) due to cultural irrelevance and the brain's physical senescence.

9. These beliefs are personal, inviolate, and highly offensive to United States Courts including this Eighth Circuit Court of Appeals and the Supreme Court. Regardless; These personal beliefs should not prevent the honorable "rule of law" like appears to be happening but will spur book/movie sales. No appeal to the Supreme Court will be done in light of the immoral *Citizens United* and *McCucheon* rulings. These make Congress an oligarchy or corporate regime. Plaintiff/Appellant has disrespect for SCOTUS honor per: 1) the continuing 1997 determination that wire communications are a new medium; and 2) calling political "*bribes*" first amendment speech; and 3) treating the marriage rite or ritual as a fundamental human right; and 4) treating the ritual or rite for controlling original speech "for a time" as the human right protected by Europe's COPYRIGHT.



Appellate Case: 14-3447 Page: 5 Date Filed: 11/18/2014 Entry ID: 4217507

# IV. Reckless "Indexing" of JPGs

1. Microsoft Corporation and Google Inc are organized criminal conspirators recklessly indexing and displaying harmful unrated JPG image files. Halting this one wrong would make electronic communications safe for everyone and would almost immediately end ALL continuing "*online*" child pornography.

2. Google Inc Counselor Michael Henry Page deceived the Western District of Arkansas via Honorable Magistrate Erin L. Setser in open court in *Neeley v Namemedia Inc., et al*, (5:09-cv-05151) Dkt #**216*** p71, as follows, by utterly false information given in open court.

> **[Honorable Erin L. Setser]**: *Well, just out of curiosity, is it possible for Google to prevent these pictures from coming up when you type in his name?*
> **[Michael Henry Page Esq]:** *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.*

*3.* This deceptive response to a judicial query could be attributed to lack of familiarity with search algorithms or lack of familiarity with "*online*" in general. This fraudulent statement was not objected to during the hearing because this severely brain injured Plaintiff/Appellant did not wish to appear more improper like seen discussed on p64 of Dkt #**216***.



Appellate Case: 14-3447 Page: 6 Date Filed: 11/18/2014 Entry ID: 4217507

4. The JPG file format for images was established by the Joint Photographic Experts Group initially in 1992. One decade before Google Inc existed, the JPG file format contained provisions for descriptive, machine-readable data about the binary or otherwise "gobbledygook" JPG "*bits*" like ratings for automatic categorization of JPG files.

5. **EVERY JPG FILE EVER CREATED ALLOWES FOR DESCRIPTIVE METADATA**. This fact is wildly counter to the deception made in court and will always be factual and reveal a fraud by Google Inc on the court and on the entire Earth.

6. **These clear facts are recklessly ignored by ALL Defendant/Appellees.** This intentional ignorance destroyed Plaintiff/Appellant's parental human right to determine the type moral communications allowed encountered by minor children using wire communications in interstate and world-wide commerce or the mission of the Federal Communications Commission since 1934 per 47 U.S.C. §**151**.* The mission **NOT DONE*** **since the 1997 imaginary new medium mistake**.

7. Transporting unrated JPG files in interstate or world-wide wire communications involving an indecent naked human is criminal today per 18 U.S.C. §§ (**1462***, **1464***).

8. These laws are wholly ignored by the Federal Communications Commission, the Attorney General, and is violated by both organized criminal Defendant/Appellees. Google Inc and Microsoft Corporation violate 18 U.S.C. §**2511*** by intercepting and displaying images labeled by "*good Samaritan*" authors as "*not fit for anonymous consumption*" and restricted to authenticated viewers and **NEVER accessible to the general public** with simply "*one more click*" seen comparing the immoral ***B**<photo.net>***G** displays to the general public compared to ***B**<deviantart.com>***G.**



Appellate Case: 14-3447 Page: 7 Date Filed: 11/18/2014 Entry ID: 4217507

# CONCLUSION

1. This Plaintiff/Appellant now prays that the Eighth Circuit Court of Appeals allow an appeal without paid costs and *sua sponte* orders the United States Court for the Western District of Arkansas to conduct a jury trial to establish damages after determining guilt is established by law for violations of Ark. Code Ann. **5-41-103*** and 18 U.S.C. §**2511*** visible in the non-scanned record or searching "*online*" at MSFT for {**Curtis Neeley nude**}.* Looking "*online*" at GOOG for {**Curtis Neeley nude**}* reveals clear GOOG Ark. Code Ann. **5-41-103*** computer frauds and {**Curtis Neeley site:deviantart.com**}* reveals FIVE 18 U.S.C. §**2511*** communications crimes.

2. ALL criminal statutes are wholly exempted from 47 U.S.C. §**230*** though the 1997 *Reno v ACLU* mistake was used to dismiss the prior civil tort for Defendant/Appellees dishonorably continuing to return images once displayed by this Plaintiff/Appellant on websites using this Plaintiff/Appellant's own name.

3. This Plaintiff/Appellant worked many thousands of hours and utterly purged a host of "*computer apparatus*" attached to interconnected physical wires using this Plaintiff/Appellant's former original naked creations or prior authorized uses of this Plaintiff/Appellant's name. These computer apparatus are connected to wires for "*contemporaneous*" wire communications to the general public when requested and once included the following locations and those listed/linked in exhibits. Two still use Plaintiff/Appellant's name and nakedness together. The five colored graphics from #05 require authentication to see unless these are intercepted by Defendant/Appellee Google Inc and shown to the public in clear violations of 18 U.S.C. §**2511***.

01.*B<photo.net>>G*, 02.*B<<creative-nude.net>>G*, 03.*B<absolutearts.com>>G*, 04.*B<pbase.com>G*, 05.*B<deviantart.com>>G*, 06.*B<cravagolina.wordpress.com>>G*, 07.*B<<curtisneeley.com>G*, 08.*B<fineartamerica.com>G*, 09.*B<michelle7.com>G*, 10.*B<<michelle7-erotica.com>G*, 11.*B<aventar.eu>G*, 12.*B<<flickr.com>G*, 13.*B<wordpress.com>>G*, 14.*B<prmob.net>G*, 15.*B<weblog.com.pt>G*, 16.*B<wikimedia.org>G*, 17.*B<wikipedia.org>G*, 18.*B<artistrising.com>G*, 19.*B<artnude.pp.ru>G*, 20.*B<artring.net>G*, 21.*B<blogspot.com>G*, 22.*B<blurb.com>G*, 23.*B<canalblog.com>G*, 24.*B<free.fr>G*, 25.*B<google.com>G*, 26.*B<groupf16.org>G*, 27.*B<imagekind.com>G*, 28.*B<listphotographers.com>G*, 29.*B<lulu.com>G*, 30.*B<menshelp.cc>G*, 31.*B<nudeartcollection.com>G*, 32.*B<photopoints.com>G*, 33.*B<purestorm.com>G*, 34.*B<redbubble.com>G*, 35.*B<salon.com>G*, 36.*B<sexblognews.ucom>G*, 37.*B<sexoteric.com>G*, 38.*B<plus.google.com/113306317695805427659>G*, 39.*B<corpscircuits.canalblog.com>G*, 40.*B<models-forum.com>G*, 41.*B<purestorm.com>G*, 42*B<aduznfreshman.blogspot.com>>G*, 44.*B<signatureillustration.org>>G*, 45.*B<cafephilos.wordpress.com>>G*

4. *Neeley v NameMedia Inc et al*, (5:09-cv-05151) is the case where Google Inc successfully deceived Honorable Magistrate Erin L. Setser and Honorable Jimm Larry Hendren into believing uploading to an "*online*" apparatus or "*website*" makes the information uploaded accessible to the random public.

5. NameMedia Inc purchased <photo.net> and asserted this same immoral deception. NameMedia Inc asserted "ownership" of all naked images placed on *B<photo.net>*G before the NameMedia Inc purchase. This was immoral but NameMedia Inc has since deleted all naked images by this Plaintiff/Appellant and other moral authors and ALL use of Plaintiff/Appellant's name on pages with nakedness while attempting to settle.

6. Plaintiff/Appellant once used <photo.net> and uploaded world-class naked images and sold these. <[P]hoto.net> required an authenticated membership to view these naked images after tagging like done today at *B<deviantart.com>G* though these type tagged images are intercepted today by Defendant/Appellees Google Inc and Microsoft Corporation, though Defendant/Appellee Microsoft Corporation has now ceased a few.

7. NameMedia Inc was guilty of criminal violations of 18 U.S.C. §**2511*** but these criminal violations are wholly protected by the over-broad injunction and honorably applied *collateral estoppel* and NOT by *res judicata* the United States Court for the Western District of Arkansas now stretches to the current criminal violations of law.

8. Besides the protection of NameMedia Inc by the over-broad injunction and honorably applied *collateral estoppel,* NameMedia Inc is also now protected by the statute of limitations included in 18 U.S.C. §**2520**(e)* of two years.

**9. These "WRONGS" are NOT PART OF THIS COMPLAINT.**

10. Honorable Jimm Larry Hendren ruled moral rites to artwork do not apply "*online*". Insert ¶#9 again here. Regardless; NameMedia Inc lost ALL moral world-class photographers due to violating 18 U.S.C. §**2511***. Current users of ***B**<photo.net>***G** ARE exempted by 18 U.S.C. §**2511**(g)(i)*. Honorable Timothy L. Brooks stretches this out to improperly protect Defendant/Appellee Google Inc for violations of this Plaintiff/Appellant's current usage of <**deviantart.com**>* begging this Eighth Circuit for supervisory jurisdiction more than mixing up *collateral estoppel* and *res judicata* as well as the cited Federal Rules of Appellant Procedure **Rule #4*** regarding timeliness.

# PRAYER

1. This Plaintiff/Appellant prays this Eighth Circuit Court of Appeals examine the record and the exhibits attached (**Exhibit X, Y, Z**)* to this complaint or just look "*online*" and then order a jury trial in the United States Court for the Western District of Arkansas to determine fiscal damages per: 1) Ark Code Ann. **5-41-106*** for violations of Ark Code Ann. **5-41-103***; and 2) those warranted by 18 U.S.C. §**2520*** for (5) violations of 18 U.S.C. §**2511***; as well as those warranted by 42 U.S.C. §**1983*** from each Federal Communications Commissioner and the U.S. Attorney General because guilt is a settled matter of law.

2. Plaintiff/Appellant also prays for immediate injunctive relief such that all violations of 18 U.S.C. **2511*** and all violations of Ark Code Ann. **5-41-103*** are ordered ceased immediately for Plaintiff/Appellant's name and seeks orders for the Federal Communications Commission to regulate "*online*" wire communications as a Title II common carrier and require ratings of all "*obscene, indecent, or profane*" JPG files communicated in interstate or world-wide commerce before indexed as soon as possible because this is already required by clear wording of U.S. law in 47 U.S.C. §**151***.

Curtis J. Neeley Jr.
2619 N Quality Lane
Apartment 123
Fayetteville, AR 72703
4792634795 *-t-sms*
5014217083 *f*

Respectfully Submitted,

s/ Curtis J Neeley Jr.

*** = Live PDF links**



Appellate Case: 14-3447 Page: 12 Date Filed: 11/18/2014 Entry ID: 4217507