Exhibit Y

Wholly ignored Brief Supporting objection to the (Doc 32)* judicial fiat by Magistrate Honorable Erin L Setser's clearly biased R&R backing up Honorable Jimm Larry Hendren's impermissibly vague injunction because Magistrate Honorable Erin L Setser was a law clerk appointed as a Magistrate judge with absolutely no experience before a court representing a private party by Honorable Jimm Larry Hendren.

* = Live PDF links.

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IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr. **Plaintiff**

CASE NO. 14-cv-05135

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

BRIEF SUPPORTING SPECIFIC OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

This Brief is filed concurrently with the Objection to the Report and Recommendations of (**Doc 32**)* in keeping with Local Rule 7.2 and follows this order point by point trying to tactfully explain why (**Doc 32**)* encourages incorrectly applying law and will only further harm "public" respect for justice if followed.

(1) Yes; Curtis J. Neeley Jr. filed this claim without advance permission of this Court because permission is not required for claims that are **not** violations of injunctive orders. This claim involves (5) wholly new violations of wire communications privacy and numerous wholly new computer frauds continuing **today** after Defendants were advised of these crimes. The frauds continue today and are new, never addressed claims. Many computer frauds and all (5) wire communications privacy violations did not exist when the impermissibly vague injunction was composed and could not be addressed therein, as should be painfully obvious to this court. This FACT will remain painfully obvious to the public perpetually and aid book sales, whether motivating justice now or motivating nothing but another chapter and unnecessary distress for this Plaintiff.

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(2) The claims plead are not honorably barred by the *res judicata* doctrine because of not existing for consideration in the past and not involving the same type facts *allegedly* considered when the moral rights of artists were immorally ruled not to apply "*online*". **This immoral ruling is not plead again in this complaint.** The plead Ark. Code Ann. 5-41-103 computer frauds did not exist or were once marginally prevented by truths before Plaintiff's costly alteration(s). These prior communications were retracted or deleted by Curtis J. Neeley Jr. after this District Court made the United States non-compliant with Berne Convention Article 6*bis.*

(a) No naked images returning TODAY searching for "Curtis Neeley" include naked images created by this Plaintiff like occurred during the prior *alleged* consideration of the moral RITES of an artist.

(b) This moral question was settled immorally and remains settled and is protected by the time-honored legal doctrine of *res judicata*. This fact leaves Congress the only recourse for halting these immoralities in the U.S. Legislation mandating regulation of wire communications per current laws are not likely.

(3) This legal claim for relief has clear statutory support and **(Doc 22)*** will perpetually remain mistaken judicial addition of "*contemporary*" to 18 U.S.C. §2511 by fiat and failure to recognize ALL communications by wire, "*online*", are contemporary deliveries of prior speech if done in the manner desired but not when Defendant Google Inc bypasses adult filtration as intended. **(Doc 22)*** will also remain an attempted revision of the scope of Ark. Code Ann. 5-41-103 by fiat such that only this Plaintiff's personal computers were said to be protected though contrary to Arkansas law.

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(a) Congress is normally required to add "*contemporary*" to 18 U.S.C. §2511 and Arkansas legislation is normally required in order to revise the scope of Ark. Code Ann. 5-41-103. This limitation of scope is clearly NOT in Arkansas law and is inconsistent with "law of the case" in Arkansas.

(b) This will be supported by many prior uses of Ark. Code Ann. 5-41-103 to protect Arkansas citizens from computer frauds made via computers owned by Defendants, Plaintiff's, or **third parties** to mislead Arkansas citizens when pursued further in Appellate Courts like a lesson once encountered in law school if required.

HISTORY

1. Honorable Erin L. Setser should be extremely familiar with facts demonstrating one of the plead computer fraud claims is not violation of the injunction and *res judicata* can't honorably apply. Honorable Erin L. Setser personally addressed Google Inc **exclusively** returning Michael Peven's erect penis photo in searches for Plaintiff's name in open court on December 6, 2010 when Michael H. Page Esq. said this "association" by Google Inc was due to actions by this Plaintiff. Honorable Erin L. Setser advised it was unwise to seek federal District Court assistance while able to prevent this "association" otherwise. Relevant pages from (09-cv-5151) docket 216 transcript are included. Therein the court and public readers will see the foundation for the continuing personal bias in (**Doc 32**)*. See attached Exhibit "**A**"*.

2. Curtis J Neeley Jr removed the web page causing the prior association during the prior litigation as recommended by Honorable Erin L. Setser. Defendant Google Inc. updated THIS cache when requested though now refusing many others. Four years after Google Inc. cache updates stopped this erect penis association, Microsoft Corporation searches for "Curtis Neeley" return Michael Peven's erect penis photo. Searches for "curtis neeley peven site:curtisneeley.com" as seen in the attached obscene/indecent Exhibit "B" alleges in an Ark Code Ann. 5-41-103 computer fraud to still find this vulgar image on Plaintiff's website on a page that no longer exist **TODAY, after gone for two-plus years.**

3. Plaintiff, Curtis J Neeley Jr, is unable to more clearly or more tactfully advise this District Court how the immoral, felonious computer frauds continue TODAY because of refusals by this District Court to enforce Arkansas and United States law. (**Doc 32**)* "reports and recommends" this court deny "IFP" status to reinforce the fiat of , which obviously will not survive an appeal when/if handled honorably by the Eighth Circuit.

FUTURE

1. Regardless of the future judicial fiat[1] made by the District Court regarding the "IFP" petition; This lawsuit will soon end. Curtis J. Neeley Jr. has promised to cease pursuit of justice via United States courts after an Eighth Circuit appeal is completed and filed and then be made public perpetually via the ECFS system at FCC.gov.

1 fi·at noun \ˈfē-ət, -ˌat, -ˌät; ˈfī-ət, -ˌat\: an official order given by someone who has power : an order that must be followed | merriam-webster.com/dictionary/fiat

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Regardless of the results of the pending District Court "IFP" decision; Almost the same appeal will be presented to the Eighth Circuit as an attachment to the "*renewed*" Motion to Proceed as a Pauper.

2. Ironically; Eighth Circuit EM/ECF allows *pro se* filing TODAY despite the improper fiat by this District in (**Doc 9**)*, **as is seen repeatedly in (14-1891)***. Obscene and indecent exhibits ARE allowed if necessary. The fiat in (**Doc 18**)* suggested more morality for Honorable Timothy L Brooks than Honorable Jimm Larry Hendren. The book and movie that follows will be very popular and change the way the moral citizens of the United States treat wire communications disguised as "*online*".

3. Curtis J. Neeley Jr. will seek, starting in Arkansas, to require all publicly accessible "*online*" connections require authentication when accessing adult material or searching using terms suggesting attempts to find adult material and use filtered DNS controlled such that all parked domains, proxy servers, and image searches bypassing "good Samaritan" warnings like Google Inc does in an organized crime violating communications privacy law (18 U.S.C. §2511) will not be allowed.

4. Curtis J. Neeley Jr will begin grassroots pursuit and educate about the danger of unrated JPG files and seek legislation to make intentional interstate transmission of unrated but dangerous JPG files criminal and require age-appropriate JPG display by ALL browsers and other electronic devices.

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FUTURE AND CURRENT TENOR

1. If the unquestionable legal mistakes of **(Doc 22)*** are allowed to be appealed "IFP" to the Eighth Circuit Court, the Western District of Arkansas will be treated as gently as "*gloves*" allow pugilists to compete and not be seriously injured. If the motion to proceed "IFP" is denied, as recommended, based on a collective personal judicial bias; a similar appeal will still occur. The Western District of Arkansas will then have forced the "*gloves to be taken off*"[2]. Regardless; This case will soon be over either way.

2. The United States Court for the Western District of Arkansas EM/ECF docket of this case will perpetually be accessible for free to the public as a mirror of PACER and from FCC.gov **like it already is**[3]. This INCLUDES exhibits not scanned to EM/ECF already. "*Striking*" a pleading can no longer be done to hide injustice as should soon begin to be obvious. Ignoring pleadings by calling them "moot" is all that is possible like done in this case though not the "striking" threatened by Honorable Erin L. Setser as seen in Exhibit "**A**"*. (**Doc 32**)* cites no applicable "law of the case", nor any honorably applied legal doctrine. This objection should make this clear.

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2 When the gloves are off, people start to argue or fight in a more serious way. ('The gloves come off' and 'take the gloves off' are also used. It comes from boxing, where fighters normally wear gloves so that they don't do too much damage to each other.)
/\/\ | **http://usingenglish.com/reference/idioms/gloves+are+off.html***

3 **(1) http://apps.fcc.gov/ecfs/comment_search/execute?proceeding=14-28&applicant=Curtis+J+Neeley+Jr*** | **(2) http://master-of-photography.us/theendofpornbywire/index_5135.html*** | **(3) http://apps.fcc.gov/ecfs/comment_search/execute?proceeding=13-86&applicant=Curtis+J+Neeley+Jr***

CONCLUSION

1. Plaintiff will "renew" the motion for leave to appeal "IFP" with the Court of Appeals for the Eighth Circuit when denied pursuant to Fed. R. App. P. Rule 24(a)(5). These written objections are made pursuant to 28 U.S.C. §636(b)(1) and are specific and should trigger *de novo* review by this District Court for the Western District of Arkansas because (**Doc 32**)* is: 1) erroneous, 2) arbitrary, and 3) contrary to law. "IFP" status is warranted by law and no hearing should be necessary. Curtis J. Neeley Jr. recently discovered an inability to contemporaneously communicate intellect with proper tenor due to a severe traumatic brain injury but will attempt to do so if necessary. Rulings pending appeal, (Docs **22, 25, 27**)*, cannot support recommending denial of "IFP" to appeal those very rulings, -at least not honorably. A shared personal bias and refusal to follow law was certified by (**Doc 32**)* as will be realized after reading Exhibit "A" and Exhibit "B". The mistakes in (**Doc 25**)* were failure to reconsider the potentially "accidental" MISTAKES OF LAW in **(Doc 22)***. **Doc 32*** will be presented to the Eighth Circuit as contrary to law and ignoring *ex parte* communications evidenced in the **declaration*** attached to (**Doc 26**)* billing plaintiff for *ex parte* communications between Google Inc counselors and Honorable Timothy L. Brooks' clerk.

2. During the Show Cause Hearing on May 27, 2014; the Plaintiff hand delivered seven sworn affidavits, which disappeared after delivered to the District Court. Scans of these are seen in attachment Exhibit "**C**".*

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3. These are scanned copies of the affidavits the Plaintiff was told in open court would be returned or made as exhibits, though not done. These were therefore effectively stricken or treated as "moot" and were ignored but were as follows. **1) Alisa Lock** is Plaintiff's minor sons friend's mother and former apartment manager for Scull Creek Properties. **2) Cayce Hauley** is a woman encountered after church at Central United Methodist Church. **3) Marcy West** is the mother of two teen children in Newark, Arkansas and Plaintiff's fiance. **4) Phillip G. Crandall Phd**. is a doctor of science and father who teaches Sunday School at Central United Methodist Church and is a noted/published food-science professor aware of every filing and every ruling herein. **5) Shirley Bradley** is a mother and grandmother living in Scull Creek Apartments. **6) Karalyn Allen** is a woman from Central United Methodist Church. **7) Mardel Crandall** is a mother and noted professor of early childhood development at the University of Arkansas aware of every filing and every ruling herein. **8) Diana Hausam** is a professional photographer with a degree in Fine Art with an emphasis in photography and B.S. in Biology at the University of Arkansas who teaches photography and Photoshop at Northwest Technical Institute and former student of the Michael Peven and extremely aware of the vulgar penis photo.

4. These "*stricken*" affidavits are almost irrelevant to this opposition to (**Doc 32**)* except **each affidavit swears the "*facts*" Honorable Erin L. Setser and Honorable Timothy L. Brooks both use for dismissal are wrong and these seven adults swore exactly the opposite of the mistake of ***. These affidavits were given before (**Doc 32**)* but remain **precise rebuttals of each holding**.

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5. The *ex parte* communications were planning for the show cause hearing done May 27, 2014 resulting in the * injustices encouraged by Google Inc FINALLY occurring August 05, 2014 after nearly 90 days with a "*swift dismissal*" alleging to be *sua sponte* **as planned** and noted in the declaration of Joshua Thane Esq[4]. This created a rather well-supported perception of injustice for *pro se* parties. This Plaintiff seeks to proceed on appeal as a pauper *pro se* despite (**Doc 32**)*[5]. In the alternative; Curtis J. Neeley Jr. asks Honorable Timothy L Brooks to grant (**Doc 15**)*[6] Motion for Partial Summary Judgment as supported by (**Doc 16**)*[7] and the seven missing affidavits. Neither filing should have been marginally moot and this litigation will be free to the public from the FCC website perpetually,

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Apartment 123
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14792634795 *t-sms*
15014217083 *f*

Respectfully Submitted,

s/ Curtis J Neeley Jr.

4 **5/13/2014** Communicate (with client) - Correspondence with J. Thane regarding notification of service and Judge Brooks' strategy for handling the matter - $132.23
5/14/2014 Communicate (other external) Telephone conference with Judge Brooks' law clerk regarding dismissing complaint sue sponte - $151.11
Communicate (in firm) - Correspondence with J.Doan, M. Page (co-counsel) regarding telephone conference with clerk; conference with J. Doan 0.20 $75.56
Communicate (in firm) - Conference with J. Thane regarding swift dismissal - $66.11
/\/\/\ from **apps.fcc.gov/ecfs/document/view?id=7521811800*** p07

5 **apps.fcc.gov/ecfs/document/view?id=60000869795***

6 **apps.fcc.gov/ecfs/document/view?id=7521749646***

7 **apps.fcc.gov/ecfs/document/view?id=7521749647***

* = Live PDF links

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