No. 14-3447
IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Curtis J. Neeley Jr.

Appellant,

vs

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

Appellees.

Brief Supporting *Renewed* Motion to Proceed as a Pauper to the Eighth Circuit on Appeal after Denied by Western District of Arkansas

This civil action should be the **most significant communication case ever pursued** in the United States, if not the entire Earth. The individual, moral, human **right*** and not the "*American*" **legal rite*** for exclusively controlling communications disguised as [sic] "internet" or **copy[rite]*** was before the District Court with a Plaintiff/Appellant seeking only to enforce federal statutes written decades before wire communications were disguised as [sic] "internet" and called a "[holy] *new medium*" in FACTUAL error.

Wire communications defined in 47 U.S.C. §153 ¶(59) include [sic] "internet", email, mobile phones, iPads, wi-fi, and land-line telephones.*

Every electronic communications today beside two-way radio communications and some satellite communications are nothing more than wire communications defined in **47 U.S.C. §153 ¶(59)*** in around 1934 when the Federal Communications Commission "FCC" was created.

This fact has not yet been realized as newer devices or apparatus began to combine various radio communication apparatus with wire communications. Wire medium usage combined with radio medium usage allow near-immediate world-wide communications by both wire and radio. World-wide radio communications exclusively would be cost prohibitive and unreliable though not impossible.

Every commercial radio station today could deliver Wi-Fi [sic] "internet" on the assigned FM frequency using both time displaced modulation "TDM" and frequency modulation concurrently after adding local apparatus much like cell towers and distributing these wire-radio apparatus within their geographic "FM" radio coverage. The technology for making radio stations useful as ISPs is already available and in use in China. Digital broadcasting has never been considered this way in the U. S. except for "*digital cable TV*"[1] and is done only trivially now for digital radio.

Ark. Code. Ann. 5-41-103* Crimes

1. When "*alleged*" cached copies of web pages are no longer accurate, the results of search queries become IMMEDIATE Ark. Code Ann. **5-41-103*** computer frauds. Google Inc and Microsoft Corporation each claim to find "Curtis Neeley" in searches of cached pages while claiming "Curtis Neeley" is not on these same cached pages. This fact was demonstrated in exhibits and needs no trial for proof. Google Inc and Microsoft Corporation searches incorporate an undisclosed data source or keyword consideration factor causing the computer frauds **seen in exhibits* to this case**.

1 Converting broadcast "FM" TV to 100% "TDM" digital required EXACTLY this technology. The commercial radio "TDM" conversion would require regulation by the Federal Communications Commission "FCC" in order to protect unsupervised minor children or the mission for the FCC when created to replace the Federal Radio Commission after wire communications were first combined with other apparatus using other mediums enabling near-instant world-wide communications regularly shortly after WWI.

2. Evidence and discovery are not needed to punish these demonstrated computer crimes. PUNITIVE damages are the "*general*" type of damages now sought for these intentional, continuing, organized computer crimes. No prosecuting attorney is needed for pursuit of damages for violations of Ark. Code Ann. **5-41-103**[2]* as follows though asserted by mistake May 27, 2014 and again in the orders of Doc.## (**22**,**25**,**27**,**35**)*.

> **5-41-103* Computer fraud.**
> (a) A person commits computer fraud if the person intentionally accesses or causes to be accessed **any** computer, computer system, computer network, or any part of a computer, computer system, or computer network for the purpose of:
> (1) Devising or executing any scheme or artifice to defraud or extort; or
> (2) Obtaining money, property, or a service with a false or fraudulent intent, representation, or promise.
> (b) Computer fraud is a Class D felony

3. When Google Inc and Microsoft Corporation computer accesses or searches obtain money alleging fraudulent representations by computers, criminal violations of Ark. Code Ann. **5-41-103*** occur. Civil pursuit of damages for this computer felony are allowed per Ark. Code Ann. **5-41-106**.* This Arkansas criminal statute **does not require** Google Inc or Microsoft Corporation access **this Appellant's computer** specifically but "***any*** *computer, computer system, computer network,* ***or any part*** *of a[ny] computer, computer system, or computer network*" because **all usage of AR computers is protected**.

4. The District Court claim this statute requires violation of Appellant's own computer from Doc. **#22*** follow with internal quotations replaced with curly brackets. The following legal MISTAKE, if allowed, will be judicial modification of ARKANSAS LAW or judicial activism warranting supervision by this Eighth Circuit Court.

2 http://statutes.laws.com/arkansas/title-5/subtitle-4/chapter-41/subchapter-1/5-41-103 highlighting added

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5. The mistakes of law in Doc. **#22*** warranting appeal "IFP" follow with underlining and emboldening added but not added to offend.

> *"...Plaintiff must allege that Defendants intentionally accessed **his** computer, computer system network or any part thereof, for the purpose of {devising or executing any scheme or artifice to defraud or extort; or obtaining money, property or service with a false or fraudulent intent, representation, or promise.} Ark. Code Ann. § 5-41-103"* - mistake of law from **Doc. #22***

6. Ark. Code Ann. **5-41-103*** precedes and Ark. Code Ann. **5-41-106*** follows. Together; These specifically give this Appellant **incontrovertible** standing when **ANY** computer, computer system, computer network, **or any part of ANY** computer, computer system, or computer network is used in Arkansas fraudulently to obtain money.

> **5-41-106[3]* Civil actions.**
> (a) (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.
> (b) At the request of any party to an action brought pursuant to this section, in its discretion, the court may conduct any legal proceeding in such a way as to protect the secrecy and security of the computer, computer system, computer network, computer program, computer software, and data involved in order to prevent possible [sic]"reoccurrence" of the same or a similar act by another person and to protect any trade secret of any party.
> (c) No civil action under this section may be brought except within three (3) years from the date the alleged violation of this subchapter is discovered or should have been discovered by the exercise of reasonable diligence.

7. PUNITIVE damages are warranted because the embarrassment, outrage, and mental anguish as well as the mental costs of this suit are far beyond calculating except by jury deliberation whether called "punitive" or other after years and years of litigation. Embarrassment before the Appellant's mother can't be fixed. During one of their last conversations, the Appellant's mother encouraged pursuit of this claim "*till the right thing was done*" in spite of five-million offered previously by Google Inc to settle.

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3 **statutes.laws.com/arkansas/title-5/subtitle-4/chapter-41/subchapter-1/5-41-106*** highlighting added. All text with "*" herein is live PDF linked

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8. Why Google Inc offered $5,000,000 to stop this "*frivolous lawsuit*" on appeal in "*America*" before the Eighth Circuit Court of Appeals and why Google Inc refused and still refuses to simply require indecency searches authenticate to settle this claim should be **unbelievably obvious**. The United States was founded by people leaving Europe and seeking protection for human rights and freedoms by written laws. This "*American*" desire is protected for data privacy better by the European "Grand Chamber" due to the **C-131/12*** ruling listed below in part. Still; Preventing computer frauds requires updating out-of-date searches if requested to prevent Ark. Code Ann. **5-41-103*** felonies.

FROM "GRAND CHAMBER" C-131/12* RULING ¶3

> *"...the operator of a search engine is obliged to remove from the list of results displayed following a search made on the basis of a person's name links to web pages, published by third parties and containing information relating to that person, also in a case where that name or information is not erased beforehand or simultaneously from those web pages, and even, as the case may be, when its publication in itself on those pages is lawful..."*

18 U.S.C. 2511 Crimes

1. The "*Progress Clause*" of the constitution authorizes Congressional protection of the right to exclusively control privacy of original communications "for a time" but was not done despite oaths of office. Most United States law schools and most judges are unaware noted international writer, Benjamin Franklin, felt the U. S. Constitution was too internationally important a document to be used to coin new words not appearing in the authoritative "*Johnson's Dictionary of the English Language*" (1755) in 1787 when helping write the Constitution.

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2. Benjamin Franklin suggested use of only words found in authoritative dictionaries in both the Constitution and the first "*State of the Union*" on January 8, 1790 though the first "*State of the Union*" addressed the importance of fulfilling the following "*Progress Clause*" to promote intellectual immigration before an imported new word from England was coined by Noah Webster and Congress in 1790.

PROGRESS CLAUSE

> *"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."*

3. United States' Courts and perhaps ALL U.S. law schools describe this clause with a word undefined until 1808 in any dictionary or the "Copy[rite] Clause". This intentionally misspelled "*American*" word was used in the "*Copy[rite] Act of 1790*" with a new "*American*" misspelling of the compounding of copy and rite by an elementary textbook author desiring to create a new language, which has since occurred. The moral right to control creations *marginally* allowed "*Berne Convention Compliance*" from 1990 until Honorable Jimm Larry Hendren ruled United States' legal ritual or LEGAL RITE, 17 U.S.C. §**106A***, does not protect "online" in 2011.

4. Benjamin Franklin[5] and Noah Webster[6] were noted lexicographers. Most are aware Benjamin Franklin was a "founding father" who flew a kite. Few realize Noah Webster copied the Copy[rite] Act of 1790 from England's 1710 "*Statute of Anne*" but ignored the human right to control art protected by England's 1734 "*Hogarth's Act*".

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5 https://en.wikipedia.org/wiki/Benjamin_Franklin%27s_phonetic_alphabet *

6 https://en.wikipedia.org/wiki/Noah_Webster *

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5. This early United States law officially misspelled compounding of "copy" and "rite" with the "*Americanized*" word imported from England of [sic] "copyright". Benjamin Franklin was seriously ill but made sure [sic] "copyright" was not coined in the 1787 Constitution or first "*State of the Union*" by proxies though dying April 17, 1790. Noah Webster then used the "Copy[rite] Act of 1790" to coin and intentionally misspelled or "*Americanized*" a word from England when signed into law on May 31, 1790 by George Washington.

6. The first U.S. President refused to "coin" this new word in the first "*State of the Union*" address despite addressing the importance of fulfilling the "*Progress Clause*" explicitly to attract the best minds from other nations as immigrants to a new nation respecting the rule of law this Appellant now relies on seeking "IFP" from this Eighth Circuit.

7. Forty-three days after Benjamin Franklin died; The "*Statute of Anne*" RITE was copied verbatim and edited a tiny bit by the United States. The "*1710 English Publishing Ritual*" for authorizing printed copies of books was called a unique new "*Americanized*" spelling for compounding "copy" and "rite". This continued misspelling explains the United States' failure to recognize the moral RIGHTS of original creators of potentially embarrassing visual creations that may later be retracted in order to repent.

8. An artist's personal reputation and honor were once marginally protected "*morally*" by 17 U.S.C. **§106A** until this legal rite was ruled to not protect ANY human right "*online*" by Hon Jimm Larry Hendren. **This mistake is not plead again as alleged.**

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9. 47 U.S.C. **§230**(e)* exempts 18 U.S.C. **§2511*** and **ALL criminal statutes**. The organized criminals Google Inc and Microsoft Corporation continue violating these laws after notified of these criminal acts. The absurd, immoral statute (47 U.S.C. §**230**) does not affect criminal laws in ANY WAY. The moral ability of "*good Samaritan*" authors or speakers of original indecent but secreted communications to exclusively control reception of these communications by minors is potentially protected by 18 U.S.C. **§2511*** because interception of wire communications is criminal **regardless of when the speech was made with respect to when this speech is then intercepted**.

10. The District Court alleged "*contemporaneous*" qualifies "interception" via judicial fiat. The relevant portions of the clear law follow. All five (5) "*top-secret*" visual presentations intercepted in this complaint reside within electronic apparatus in order to "*contemporaneously*" transmit these five presentations ONLY when requested by authenticated parties and NEVER to be shown to the random public if requested without authentication like organized criminal Google Inc does in an organized crime. The record should show these Google Inc criminal interceptions. Searching **TODAY*** will reveal these crimes continuing.

18 U.S.C. §2511*

18 U.S. Code §2511* - Interception and disclosure of wire, oral, or electronic communications prohibited

(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...

.... big skip ....

(g) It shall not be unlawful under this chapter or chapter 121 of this title for any person—

(i) to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

11. Honorable Timothy L Brooks stretches 18 U.S. Code **§2511***(2)(g)(i) out to protect Google Inc by fiat when criminally revealing "*top-secret*", colored charts from this Appellant's deviantart.com profile labeled as "*adult*" and requiring authentication for viewing[7]. This fiat is wholly dishonorable because these graphics are not accessible to the "*general public*". The unauthenticated anonymous "*general public*" will never see the images thus labeled by "*good Samaritan*" authors like this Appellant at deviantart.com without assistance by organized criminals like Google Inc and Microsoft Corporation though Microsoft Corporation has stopped these (5) and many more to mitigate damages awarded.

12. The dishonorable prior ruling(s) are counter to law and immorally protect these and other restricted indecent wire communications crimes creating the attractive nuisance of free pornography remaining today. This immorality explains why this litigation should be so impacting to the United States **if not the entire Earth**.

13. Doc. #**22*** is both indisputably dishonorable and indisputably immoral despite Doc. #**18** giving the false impression of more morality for Honorable Timothy L. Brooks than demonstrated in the past by Honorable Jimm Larry Hendren protecting a favorite "*porn*" or protecting anonymous consumption of "*artisan n_des*" or "*Harry Potter*" books by children with no respect for the parents or other responsible adult wishes.

7 "*And I might also add, Mr. Neeley, that if you look at, I believe it is Subsection (1)(g) of 2511 -- for the record, this is 18 U.S.C. 2511(2)(g), there's an exception for communications that are readily accessible to the general public.*" Taken from transcript of Show Cause Hearing by Honorable Timothy L Brooks on Doc. #13* p13

14. Stretching 18 U.S. Code **§2511***(2)(g)(i) by fiat as an immoral defense and allowing interception of communications labeled as "*not fit for anonymous consumption*" will be immoral in perpetuity. The District asserted, **counter to law**, that only a Prosecuting Attorney[8] could pursue civil damages for these communications crimes. Honorable Timothy L. Brooks thereby encouraged the supervisory duties of this Eighth Circuit Court of Appeals to protect justice as is now plead allowed "IFP".

15. The Arkansas statute saying otherwise, Ark. Code Ann. 5-41-106, is included above on page four. The federal statute contradicting this ruling is 18 USC **§2520*** and the relevant portion follows with highlighting added but not added to show bad tenor.

18 USC §2520*

> (a) In General.— Except as provided in section 2511 (2)(a)(ii), **any person** whose wire, oral, or electronic communication is **intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover** from the **person or entity**, other than the United States, which engaged in that violation **such relief as may be appropriate**.
>
> (b) Relief.— In an action under this section, appropriate relief includes—
>
> (1) such preliminary and other equitable or declaratory relief as may be appropriate;
>
> (2) damages under subsection (c) and **punitive damages in appropriate cases**; and
>
> (3) a reasonable attorney's fee and other litigation costs reasonably incurred.

16. The assertion that only a prosecuting attorney or other licensed lawyer was required was NOT correct when made in open court and will NEVER be correct but is seen in Doc. #13* p13 or footnote #8 and is **wildly contrary to law**. Allowing an IFP

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8 *"And with regard to this notion that Google or anyone else is violating Section 2511, number one, that's the criminal part. You don't have standing to prosecute a crime; this Court doesn't have standing to prosecute a crime. So even if it is a crime, there isn't anything that you or I can do about it. The U.S. attorney is the one that needs to bring those charges."* Taken from transcript of Show Cause Hearing by Honorable Timothy L. Brooks on Doc. #13* p13 -

appeal and ordering a Summary Judgment of guilt with an Arkansas jury asked to consider the damages awarded during trial and considering mitigating defenses is one honorable moral ruling that could and potentially should now follow.

17. One 18 U.S.C. **§2511*** and one Ark. Code Ann. **5-41-103*** crime by Google Inc ceased since this action was filed as can be seen in **exhibits** to Doc. #**16*** compared to Doc. #1 Exhibit "**Crime**"* p14 of 26 and noting the copy[rite] graphic gone **TODAY***.

18. The thousands of hours working to seek cache updates will help a jury considering damages if this matter of communications privacy is ordered set for a jury trial to determine damages since guilt is a matter of law. The Western District of Arkansas should be ordered to allow the attached complaint Exhibit "**C**"* which is a concise subset of the initial filing without addressing senescence or oaths of office this Appellant apologizes for initially bringing due to legal incompetence and severe frontal lobe traumatic brain injury.

19. The "obscene and indecent" **exhibits*** to Doc. #**16*** showed the evil computer frauds continuing on 7/17/2014 despite hundreds of hours seeking cache updates from each organized criminal. These requests were often ignored or denied as seen in the **exhibits*** and these will aid the jury considering damages after set for a jury.

20. In the early days of wire communication disguised as [sic] "internet" (?-2014), many of these communications depended on potential private communication crimes by Google Inc or plagiarisms disguised as "indexing" to exist as was encouraged by the immoral Supreme Court mistake of *Reno v ACLU,* (1997).

21. The factual errors from *Reno v ACLU,* (1997) are no longer enforceable in Europe since **C-131/12*** required retraction of dishonorable links if requested by the affected private parties in order to protect personal data regardless of these "*describing the internet*" like alleged by Counselor Michael Henry Page Esq.

22. Wire communications ARE STILL disguised as [sic] "internet" in "*America*". The judicial immorality of *Reno v ACLU,* (1997) and its progeny have become obvious to forty-six State Attorney Generals and the European Union.

23. One better wire communications search apparatus is INFINITELY more private due to use of computers wholly exempt from "NSA" requests for private, personal search data and is based in Russia where the "NSA" is a State/public enemy and is outside the tiny, unregulated, immoral bucket of slime the U.S. calls the "open internet". This nasty bucket floats in the sea of safe world-wide wire communications. The bucket's walls are called by many the "*Great Firewall of China*" where FM radios are ISPs such that Wi-Fi there is almost universal and almost free like it could be here if the FCC followed the mission given in 1934.

24. Honorable Jimm Larry Hendren may personally define pornography in a manner that exempts tasteful fine-art figure studies. The majority of United States' anonymous Article III judges and anonymous Christians may agree with Honorable Jimm Larry Hendren and call some pornography "*artisan n_des*" like Honorable Timothy L. Brooks does in Doc. #**22***.

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25. Honorable Jimm Larry Hendren and Honorable Timothy L. Brooks punishing "child pornographers" in the past does not mitigate addictions to anonymously viewing naked art or "*artisan n_de*" images demonstrated by immorally ruling United States' moral rites for photographs or other visual art do not apply "online", as affirmed by this Eighth Circuit. See 17 U.S.C **§106A***

26. United States' Article III judges are committed to preserving the ability to anonymously view "*artisan n_de*" images "online" using the disguise of protecting free speech. This commitment reflects a shifting culture in the United States where the personal right to categorize naked images as "*artisan n_de*"[9] justifies continuing the mistaken creation of an imaginary "*unique and wholly new medium of worldwide human communications*" by *Reno v ACLU,*(1997). This mistake was preserved in the immoral *Ashcroft v ACLU* (2002, 2003, 2004) because of court clerks, Article III judges, pastors, Senators, and Representatives addicted to viewing naked depictions of human bodies anonymously.

27. Judicial assertions of moral superiority began like herein with *Counts et ux v Cedarville School board* (2003). This assertion of moral superiority allowed books to be checked out from school libraries without the permission once required by parents for books **forbidden as "immoral"** by parents.

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9 This Appellant refuses to use the wholly vulgar word n_de without obfuscation herein because development and use of this vulgar term is why the debate about "defining" pornography exists. All naked art is pornographic and an immoral judicial choice used to create a n_de slippery-slope existing since *Miller,* 1973 in the U.S.

28. This assertion of judicial moral superiority became a cited free speech case despite allowing immoral communications proscribed by many parents. Parents therefore were not allowed the parental right to control free speech consumed by their children. This was not fully litigated and was never before this Eighth Circuit Court of Appeals but would have been reversed here or SCOTUS if pursued.

29. The immoral attractive nuisance seen in "obscene and indecent" **exhibits*** included a naked erect penis of University of Arkansas professor, Michael Peven. The penis FRAUD returns for image searches for "**Curtis Neeley**"* today in a demonstration of Ark. Code Ann. **5-41-103*** computer frauds becoming intentional federal 18 U.S.C. **§2511*** private wire communications crimes by Microsoft Corporation after addressed by the immoral Western District of Arkansas ruling that moral rites for art, 17 U.S.C. §**106A***, do not protect images "online". **This page remains removed ALONG with ALL OBSCENE uses of "curtis neeley" and "n_de" together**.

30. The prior immoral ruling(s) never included violations of personal communications privacy. This penis FRAUD is a wholly new violation because the page "allegedly" causing the continuing computer fraud **TODAY*** no longer exists so <**curtisneeley.com/MichaelPeven/index.html**>* causes a file not found error though black and white were reversed in the "*stricken*" exhibits to save ink costs. The United States Court for the Western District of Arkansas prevented CM/ECF electronic participation by *pro se* parties in Doc.#**9*** in order to prevent justice for this *pro se* party due to higher costs of printing **exhibits*** not required for represented parties.

31. This injustice is not appealed because the United States Court for the Western District of Arkansas demonstrated a complete inability to understand wire communications disguised as [sic] "internet" and treats authenticated access **required** by PACER as another source for public access to indecent **exhibits*** though the public can't access PACER but can access {**TheEndofPornbyWire.org/index_5135.html#28**}*. See Doc. #**18***.

32. The original HTML was included with the originally ignored exclusion requests highlighted. PUNITIVE damages should be awarded by an Arkansas jury considering this obscene pornography appears in searches in public schools when searching for Appellant's personal name **TODAY*** if filters are not properly installed or configured.

33 This Appellant worked extremely hard to repair wire communications disguised by the United States Supreme Court as [sic] "internet" for over five years and removed the public nuisance of anonymous access to free pornography returned using this Appellant's name while in schools mostly. The Appellant will continue this struggle for the rest of life hoping to make all wire communications safe enough to reach world-wide as alleged in 1997 in a wild factual error. This entire filing will soon be a book and movie regardless of future Article III rulings.

34. This Plaintiff/Appellant tried to assist the AR Attorney General with an ***amicus* brief*** filed prior to the AG's Appellant's Brief. An ***amicus* reply*** was done to support the Eighth Circuit in the Arkansas Act 301 appeal (**14-1891**)*. If United states' Courts are marginally moral; These short *amicus* briefs will help the Eighth Circuit **end** the immoral, public, legal debate and immoral, public, political debate concerning abortion.

35. This "Brief in Support of Appeal as a Pauper" has at least one moral result. Damages awarded by an Arkansas jury should lead to establishment of communications in the wire medium as a "***wholly unique new use of the wire and radio communication mediums for safe worldwide human communications***" after made safe to view ANYWHERE anonymously world-wide by ANYONE with no filtration after commercial radio stations become ISPs. This can be technically explained by the Plaintiff/Appellant roughly using the (5) colored graphics intercepted and revealed to the unauthenticated public by Defendant/Appellee Google Inc.

36. This new use of old mediums could not remain the attractive nuisance for "anonymous indulgences in indecency" the [sic] "Internet" is today. Communications in the wire medium will STILL potentially contain the most raw and offensive of legal pornography for authenticated consumption. This will be considered private indecency consumption sin by those calling private termination of pregnancy, (called a fundamental human right first by constitutional Arkansas Act 301 for 11-weeks), to be nothing more than choosing to murder.

37. Killing unborn babies was inferred to become "blessed" in a future time by Jesus while approaching Calvary and remembering flooding the Earth and destroying Sodom and Gomorrah and killing all the "innocent" babies and children on Earth or all the people in the first two cities allowing homosexual marriage. The Plaintiff/Appellant feels this time has begun though homosexual marriage will soon become common in these end times. Article III Courts now assert the marriage **RITE** to be a human **RIGHT** instead.

38. Appellant prays the Eighth Circuit prevent the improper Dismissal with Prejudice and sanctions levied and set this action for a jury trial to determine damages. Defendant/Appellees Google Inc and Microsoft Corporation have unquestionably violated 18 U.S.C. §**2511***, **C-131/12**,* and Ark. Code Ann. **5-41-103.*** A jury should set fiscal punitive damages. The issue of compensatory damages and declaratory injunctive relief from each FCC commissioner and the US Attorney General for violating human rights under color of law is authorized by 42 U.S.C. §**1983***.

39. Wire communications disguised as [sic] "internet" will quickly become as safe for wholly anonymous human communications as telephones were in 1986 when Teresa "Teri" Susan Weigel had never performed obscene pornography but had accepted posing naked in Playboy magazine and calling these "*artisan n_des*". Honorable Jimm Larry Hendren promoted this slippery moral slope "*online*" for naked modeling described in Doc. #**22*** as "artisan n_des" by Honorable Timothy L. Brooks rather than the shameful "porn" any naked presentation has been since Adam and Eve. See Genesis 3:**7***

40. Authenticated searchers choosing to view the most obscene of legal pornography should continue "*online*". The attractive nuisance of "*America's moral sewers*" of anonymously distributed free pornography should soon no longer exist. The honorable ruling after appealed by *Google Inc, et. al.* to the Supreme Court for denial of review will quickly end ALL "online" child pornography and allow ALL of humanity to share knowledge, work together, fight disease, vote "online", and find safe energy sources, and fight human injustices wherever these injustices continue.

41. The action's attached but not scanned **exhibits*** and Doc. #**17** leave guilt a matter of unquestionable law with damages the only issue remaining for a jury to consider. **Wire communications disguised as [sic] "internet" today will become wholly safe for anonymous children to use without filtration or supervision anywhere on Earth kids might carry mobile phones including public schools and libraries after commercial radio stations become ISP capable making "online" as pervasive and as free as commercial FM radio is today.**

42. Appellant has "legally" contacted ABC, ACLU, CBS, CNN, FOX, PBS counselors along with "*Southwest Arkansas Times*", "*Northwest Arkansas Times*", "*New York Times*", and the "*Washington Post*" newspapers and several Baptist churches as well as North America's legal counselors for the United Methodist Church. Noted law professors from Cornell, Harvard, Stanford, Yale,and the University of Arkansas were asked for input and provided help herein or did not and are given absolute privacy while desired but will be confirmed if requested.

43. The Parents Television Council and American Family Association counselors were either contacted or were not as will remain private if desired. Seven Supreme Court clerks discussed this case privately by phone and are guaranteed absolute privacy except the one maliciously advising Plaintiff/Appellant by phone of intending to protect anonymous, immoral, "online" pornography consumption like Honorable Jimm Larry Hendren, Honorable Magistrate Erin L. Setser and Honorable "Timothy L. Brooks each tried or still try to preserve in this action.

44. This strengthens the immoral communications consumption protecting legacy extending now from allowing *"Harry Potter"* books to allowing "*artisan n_de*" or "*top secret*" art labeled as inappropriate for anonymous viewers to continue being accessed by anonymous children in school libraries despite rights of parents to raise moral children based on morality determined by the parents and NOT as forced by the Western District of Arkansas by fiat like in 1993 and like being done again now.

CONCLUSION

1. Every document filed in this case will be published by wire and be accessible for free in perpetuity including EVERY "obscene and indecent" **exhibit*** to authenticated viewers only. These "obscene and indecent" **exhibits*** will not be "indexed" or rebroadcast to the anonymous by organized criminal Defendants/Appellees. The Ark. Code Ann. **5-41-103*** computer fraud crimes plead result from access of computers readily accessible to the general public. A moral ruling will immediately end these.

2. Honorable Timothy L. Brooks did not consider law or facts listed like a drug crime or child pornography crime. Doc. #**25*** revealed "*artisan n_des*" being protected despite the confused moral presumption on display in Doc.#**18***. The eventual decision(s) will be made public and be included in a website, book, and then a movie and be made publicly available in perpetuity.

3. The (1517) "***95 Thesis***"* by Rev Martin Luther would have very little impact had this disputation regarding the immoral sales of indulgences not been translated from Latin and distributed internationally on the newly invented printing presses in 1518.

4. This plead disputation will be published continually and promoted continually until individual creator responsibility for potentially indecent artwork is recognized by the United States like Europe did first in May 2014 in **C-131/12**.*

5. This human right to control original speech was ignored by the Western District Court of Arkansas. This personal "*free speech control*" matter will be another Earth impacting decision made in the Eighth Circuit Court of Appeals like the (14-1891) abortion ruling now pending. All media, law professors, and church personnel contacted could be shown in exhibits but would require around fifty pages and violate the privacy assured to many who perhaps did not wish to help protest "*online*" indulgences in tagged indecency due to addictions to "*online*" indulgences in indecency.

6. Legal contact with ABC, CBS, FOX, and NBC was a (**15**)* page joint reply to their FCC GN #13-18 comment. A (**5**)* page reply was submitted for the Electronic Freedom Foundation(EFF). Legal contact with the National Association of Broadcasters(NAB) due their comment was a (**28**)* page reply. PBS received a (**9**)* page reply and the ACLU received a (**3**)* page reply.

7. "Professor of Law" Leli Levi from University of Miami School of Law was given a (**12**)* page reply. 100,000+ brief commentators on the "New Indecency Policy" of the FCC or GN #13-86 proceeding can access the (**17**)* page response to general comments by each submitted to the Federal Communications Commission. The general public can access these and are likely to ignore these comments like the FCC does to accentuate the damages to this Plaintiff/Appellant's unprotected human rights. "Professor" Christopher M Fairman from the Ohio State Moritz College of Law was left a (**27**)* page reply to the outrageous comment on the FCC indecency policy.

8. Unfortunately these all have improper tenor because of an inviolate belief that "*during good behavior*" requires retiring from public service by seventy years of age. This belief is as firm as Plaintiff/Appellant's belief in God and is shared by most U.S. States and the vast majority of the nations from the European Union and requires only an Act of Congress to define "*during good behavior*" and no CONSTITUTIONAL AMENDMENT like will never again occur in the corporate "*American*" regime.

9. Senescence affects human brains as certainly as rust affects exposed ferrous metal. The effects of time on the human body are factual and certain though the impact of time on the mind is not predictable except for the irrelevance of formative life experiences.

10. The critical need for hard-to-find legally educated judges was the foundation for Article III not requiring retirement by age seventy due to the lack of legally educated citizens and lack of publicly supported law schools.

11. Honorable Timothy L. Brooks' absurd claim in Doc.#**35*** that the appeal is not timely was yet another claim counter to cited law because the primary parties served were five Federal Communications Commissioners and the United States Attorney General. Cited Fed. R. of App. P. (**4**)* allows ANY party to appeal for sixty days if ANY party represents a Government Agency and 60 is 15 and 29 days more than the 45 and 31 days alleged passed provided Honorable Timothy L. Brooks counted correctly while ignoring the relevant portions of cited Fed. R. of App. P. (**4**)* as should further spur supervisory action to minimize public disrespect for United States Courts.

12. The fact that ONLY Defendant/Appellee Google Inc entered an appearance after served was because the Doc. #**4*** Show Cause order included permission for the other parties served to ignore this action. Defendant/Appellee Google Inc and Honorable Timothy L. Brooks communicated *ex parte* as noted in declarations and planned a swift *sua sponte* dismissal. This injustice remains despite the fact that "planned" and "*sua sponte"* are mutually exclusive terms such that "*sua sponte"* is impossible after *ex parte* communications noted by Joshua R. Thane Esq in Doc. #**26-1*** for twenty-four minutes at a cost of $151.

13. This Brief in Support of a Renewed Motion to Proceed as a Pauper to the Eighth Circuit on Appeal after Denied by Western District of Arkansas is concise and specific and uses 14pt type and is 6,210 words. The attached complaint does not include the prior offensive, misguided, and upsetting claims of judicial senescence or violations of oaths to defend the Constitution and enforce copy[rite] as the human right **intended in 1787.** Exhibit "**C**"* only seeks enforcement of criminal statutes per the clear readings of law. This is the LAST filing herein and will only be modified for the Appellant's Brief.

14. Curtis J. Neeley Jr. prays the Eighth Circuit order Summary Judgment of Liability for the crimes plead in the complaint of Exhibit "**C**"* *sua sponte* including reckless "indexing" of hazardous, harmful, and unrated JPG images to harm Plaintiff/Appellant's ability to parent and safely use "*online*" although *sua sponte* is now impossible after encouraged herein. Denial of an "IFP" Appeal now plead will be dishonorable Summary Judgment and endorse the injustices that will soon become obvious to the whole public.

15. This Eighth Circuit Court of Appeals is now begged to allow Plaintiff/Appellant to proceed as a pauper on Appeal and order the Western District of Arkansas to grant a jury trial to set damages for the crimes for which guilt should be declared because guilt for the crimes for which damages are sought in the Complaint in Exhibit "**C**"* are matters of law per the clear exhibits entered. Guilt is also clear searching live now below.

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Respectfully Submitted,

s/ Curtis J Neeley Jr.

- ➔ **"Honorable Erin L. Setser" porn***
- ➔ **"Honorable Jimm Larry Hendren porn***
- ➔ **"Honorable Timothy L Brooks" porn***
- ➔ **"Erin L Setser" pro porn***
- ➔ **"Jimm Larry Hendren" pro porn***
- ➔ **"Timothy L Brooks" pro porn***
- ➔ **"curtis neeley" site:michelle7-erotica.com*** <<< (4) MSFT ACA **5-41-103***
- ➔ **curtis neeley peven*** <<< (1) MSFT ACA **5-41-103*** & (1) 18 U.S.C. **§2511***
- ➔ **curtis neeley site:deviantart.com*** < (5) GOOG 18 U.S.C. **§2511*** & (1) ACA **5-41-103***
- ➔ **"curtis neeley" nude site:photo.net*** < (5) GOOG ACA **5-41-103*** frauds
- ➔ **+"curtis neeley" nude site:creative-nude.net*** < (45) GOOG ACA **5-41-103*** frauds
- ➔ **curtis neeley nude*** <GOOG organized criminal returns
- ➔ **curtis neeley nude*** <MSFT organized criminal returns

* = Live PDF links throughout

unless maliciously removed by the FCC to discourage justice. PDF links remained in the appearance "*hack*" entered already.