

No. \_\_\_\_\_

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IN THE  
Supreme Court of the United States

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***In re: Curtis J Neeley Jr., MFA***  
***pro se party***

*Petitioner,*

v.

**NAMEMEDIA INC *et al.***

*Respondents.*

\_\_\_\_\_  
**On Writ of Certiorari to the United States Court for  
the Western District of Arkansas**

\_\_\_\_\_  
**PETITIONER'S BRIEF ON THE MERITS  
FOR WRIT OF CERTIORARI**

\_\_\_\_\_  
Curtis J Neeley Jr.  
2619 N Quality Ln Ste 123  
Fayetteville, AR, 72703-5523  
479-263-4795

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# QUESTIONS PRESENTED

1. How can the FCC be allowed to continue nonfeasance and not regulate communications transmitted by wire since communications by wire came to be called the Internet? Why must United States citizens be required to adapt and filter or avoid WIRE COMMUNICATIONS due this bald refusal to recognize p. 8 ¶ 51 of the Communications Act of 1934? *See* Appendix CA 1934-p8
2. How can rights alleged to be anchored in other US laws during debate of the Berne Convention Implementation Act of 1988 in 1989 be denied because of failure to “register a copy-right” or buy a license to sue? The right to fight defamation is not allowed without this license.
3. How can US Title 17 not be unconstitutional on its face for not recognizing the moral rights for United States artist allegedly recognized for Berne Treaty signatory country citizens? *See* APPENDIX Berne
4. How can a District Court Ruling contrary to Supreme Court Ruling of March 24, 2010 be allowed to begin statutory limitations as a defense to accrue from initial trespass for repeated actions? *See* Lewis v. Chicago, (08-974)
5. How can a District Court’s Ruling that was clearly in error due to illogically misinterpreting ACA 16-56-116 be allowed to not permit tolling due to multiple disabilities not described accurately in the statute? The Court alleged “more-than-two” to have once intended permitting redress to insane minors in prison outside Arkansas. How can this error now be used by the Court to deny Seventh Amendment Rights recognized in the Sixth Circuit?  
*See* Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)
6. How can Honorable Jimm Larry Hendren rule contrary to the Supreme Court and permit outrageous defamation to continue? How can the Supreme Court permit Honorable Jimm Larry Hendren to not allow parties responsible for defamation due their perpetual nonfeasance and failing to regulate communications by wire? This duty is described in legislation that created the Federal Communications Commission but is now ignored?

7. How can the Eighth circuit Court extend the time the Appellant is defamed by extending the time allowed for filing Appellee Briefs and still feel locking the filed exhibits from being publicly displayed on PACER was necessary? These images are returned to children who simply type their father's name into an image search engine or when their friends or anyone on Earth does.

8. The *pro se*, pauper Appellant believes the nonfeasant FCC should be required to obey a narrow order that the Appellant's name return no nude images. A search engine that does not regularly traffic in pornography is <lycos.com> and thereby shows the ease of removing the danger of the defamation caused by presenting nudes to children and Muslims as well as the ease of ceasing attributing Appellant to pornographic images that the Appellant detests and have never been shown on his website.

9. Every American Image Search Engine does not recognizing moral rights for United States citizens and attribute nudes done by the Appellant and Michael Peven's erect penis photo not done by Appellant to the Appellant. These nudes are not allowed shown on television by even the nonfeasant FCC. These are all seen in the various Appendixes and this claim is not SPECULATIVE, as the Honorable Jimm Larry Hendren claimed in ANOTHER obvious error admitting the Court not considering evidence now in the record or now COMMUNICATED BY WIRE. Most all Appendixes are already exhibits mutilated by the Circuit Court Clerks inadvertently by scanning them but are now in the record.

**10. A preliminary injunction is and was warranted immediately yet has languished pending on the District Court Docket since June 1<sup>st</sup> 2010 and Docket 134 requests that the FCC be ordered to regulate communications by wire and allow no search engine to attribute nude images to the appellant when presented to anonymous viewers. This would cost nothing to implement and would only mitigate damages and only a jury could make this order permanent. The FCC has already responded to complaints by the Appellant where they alleged lacking jurisdiction over wire communications in an obvious error.**

## **LIST OF PARTIES**

All parties do not appear in the caption of the case on the cover page. In addition to the three parties on the cover page, the following parties must be added to this proceeding in the court whose judgment is the subject of this petition in order that relief can be executed since these parties were not allowed but disparage the honor of the Appellant continually or create a climate requiring expenditures to prevent constant US Title 15 § 1125(d) violations.

ICANN Inc  
Microsoft Corporation (MSFT)  
Yahoo Inc (YHOO)  
IAC/InterActiveCorp (IACI)  
The Federal Communications Commission (FCC)  
Joseph Stephen Breese Morse  
AOL LLC  
United States

Joseph Stephen Breese Morse and AOL LLC are likely to have claims against Separate Defendant/Appellee Google Inc. The claim against Google Inc is the basis for their being named and Stephen Breese Morse may not have actually authorized Google Inc to re-publish appellant's 'figure nude' images.

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Appendix are 60 total pages but the last 44 are interlocutory orders herein appealed bringing the entire petition to a total of 18 pages including the certificate of service and is less than 5,000 words.

# TABLE OF AUTHORITIES

## **SUPREME COURT RULINGS**

Lewis v. Chicago, 08-974 (2010)

Doe v. Reed, 09-559 (2010)

## **VARIOUS UNITED STATES DISTRICT CASES/RULINGS**

Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)

ASMP, PPA et al. v Google Inc., 1:2010-cv-2717

The Author's Guild et al v. Google Inc., 1:2005cv08136

Waggoner v. Atkins, 204 Ark. 264, 271, 162 S.W.2d 55, 58 (1942)

Estate of Farnam v. C.I.R., 583 F.3d 581, 584 (8th Cir.2009)

## **FEDERAL STATUTES OR LEGISLATION**

Seventh Amendment -- Right to trial by a jury

US Title 15 § 1125(d)-- “Cybersquatting” prevention

US Title 17 §§ 101, 106A – “The Copy-rite Act”

Berne Compact Implementation Act of 1988 – makes Title 17 more unconstitutional

The Communications Act of 1934 – Regulation of Wire Communications

Digital Signature Act H.R. 1572

“*Dennis Factors*” of 8<sup>th</sup> Circuit – violate Seventh Amendment

## **ARKANSAS STATUTES**

ACA 16-56-116 => The Tolling of Limitations by Disabilities

ACA 16-63-207 => Libel and Slander

ACA 16-123-102 => Disability Defined

## **HOLY BIBLE REFERENCES**

Genesis 3:22 => First Rejection of Responsibility by Adam

Exodus 20:15=> Prohibition of Theft

Exodus 20:16=> Prohibition of False Witnessing

Exodus 20:17=> Prohibition of Pride, Murder, Lying

Proverbs 6:19 => Prohibition of Fraudulent Schemes, Conspiracy

**IN THE**  
**SUPREME COURT OF THE UNITED STATES**  
**PETITION FOR WRIT OF CERTIORARI**

Petitioner, not a prisoner, respectfully prays a writ of certiorari requiring the Western District Court of Arkansas issue a preliminary injunction pending eventual final JURY judgments pending below. An Interlocutory Appeal is pending as well as numerous District Court Motions being considered or more likely being ignored due to being aware of this petition and having insufficient jurisdiction.

**OPINIONS BELOW**

1. The opinion of the United States District Court appears at Appendix Docket 97, Docket 125, and Docket 126 to the petition and are unpublished. There are numerous exceedingly erroneous rulings in the United States Court for the Western District of Arkansas pending case, 5:09-CV-05151, brought before the Eighth Circuit Court of Appeals and the Appellant Brief was filed and dismissed and Motion Seeking Reconsideration is now pending but will be dismissed by the time this arrives in DC. There is *ONLY* one logical result and no delays or advance notices are warranted.

2. The opinion of the United States Eighth Circuit Court of Appeals was pending but extension of time was included in Appendix 8<sup>th</sup> Extension initially. The United States Court of Appeals has now ruled rejecting jurisdiction as seen in Appendix Ex. Not-Us. The Eighth Circuit Court of Appeals Case (10-2255) rejected jurisdiction and reconsideration was sought but will soon be dismissed on August 23. The Search Engine Parties damage the honor of the Appellant continually and profit outrageously by trafficking pornography, including images done by Appellant, as well as images falsely attributed to the Appellant continually. Opposing Search Engine Parties continue outrageous defamation continually and every Party desired named has prepared for this eventuality for decades already, or should have.

# JURISDICTION

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1) and particularly the portion that provides for certiorari or mandamus before or after rendition of judgment or decree. This is the type civil case for which BEFORE a decree was included and discretionary jurisdiction is now warranted.

There have been no final rulings, however, this case warrants a preliminary injunction to 1) stop defamation and 2) halt the Domain Name Ponzi scheme from continuing, and 3) halt the trafficking of pornography by WIRE COMMUNICATIONS from offending every parent in the world. Appellant has attempted continually, since June 2009, to halt trafficking of his original 'figure nude' photography to children, atheists, or Muslims and has been repeatedly unsuccessful. The Eighth Circuit asserted lacking jurisdiction and every day allowed for delay harms Appellant's honor and only delays jurisdiction of this Court. The petition for extraordinary Court Mandamus is now copiously warranted but this Motion for certiorari is concurrently filed, as the ENTIRE SUPREME COURT will need to Rule.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth and Seventh Amendments => Due Process and Right to JURY Trial  
Communications Act of 1934 => Regulation of WIRE COMMUNICATIONS  
ACA 16-56-116 => The Tolling of Limitations by Multiple Disabilities  
ACA 16-63-207 => Redress for Libel and Slander  
ACA 16-123-102 => Disability Defined  
Federal Rules of Civil Procedure Rule 15 => Amending of Actions

## STATEMENT OF THE CASE

1. Appellant was involved in a head-on auto accident in 2002 on September 3 and had extreme traumatic brain damage and was left a paralyzed incompetent. Appellee Network Solutions LLC advertised <eartheye.com> and <sleepspot.com> and permitted them to be registered for no reason of *bona fide* commerce. Therefore, while Appellant was incompetent, Network Solutions LLC violated US Title 15 § 1125(d) and do constantly as a business policy. Network Solutions LLC was excused for this trespass from 2003 due to limitations due to not allowing equitable tolling and allowing limitations to apply to the wrong date in obvious errors. Appellee NAMEMEDIA INC purchased the domains to add them to “*premium domain name*” inventory violating US Title 15 § 1125(d). Every year the registrations were renewed on July 2 and on Oct 15 tolling limitations. Network Solutions LLC offered every current domain owned by the Appellant during this action and does continually tolling limitations continually.

2. Appellant became his own guardian in Jan 2006 but is still unable to perform all life’s normal basic functions. Appellant has almost no memory of most of his life and is unable to remember wives or children. Appellant is unable to remember a prior history doing commercial photography or fine art photography involving the nude human as an object of art. There is a tremendous amount of data that Appellant knows but with no idea of why it is known. Traumatic brain injuries are not understood in the least.

*See* Estate of Farnam v. C.I.R., 583 F.3d 581, 584 (8th Cir.2009)

3. The Appellee NAMEMEDIA INC, after purchasing Appellant's two prior domain names, offered both <eartheye.com> and <sleepspot.com> to Appellant after served with this United States Court complaint for 'cybersquatting'.

4. Appellee NAMEMEDIA INC purchased <photo.net> in 2007 and began displaying Appellant's nudes to anonymous viewers against his wishes. Appellee NAMEMEDIA INC asserted perpetual licensure granted by the Appellant's continuing to use the site thereby accepting new 'terms of service'. Appellant posted to <photo.net> about desiring his domain names returned and having the original nude images removed but was ignored in 2009. Appellant advised the Digital Millennium Copyright Agent (DMCA), Hannah Thiem, in several venues as seen in the record repeatedly and was ignored. On about January 24, 2010 Appellant notified the new 'DMCA' for Appellee NAMEMEDIA INC, or Rob Rosell. NAMEMEDIA INC then no longer attributed the original nude art or pornography to Appellant before minors and the protest of <namemedias.com> was no longer used due to accomplishing the desired relief.

5. Appellee Google Inc licensed <eartheye.com> and <sleepspot.com> to USE for serving ads and ran the image search engine at <photo.net> that caused nudes to result in searches for the Appellant's name. They were notified via this lawsuit and were advised that licensing <eartheye.com> and <sleepspot.com> were illegal in several venues as can be seen in the record accessible to the public perpetually at the following URL via WIRE COMMUNICATIONS.

**<curtisneeley.com/5-09-cv-05151/Docket >**

6. Appellee Google Inc regularly searches the Internet for nudes published by the Appellant and others asserting that truthful attribution and fair-use are a protection. This ignores the moral rights to prevent attribution to nudes before anonymous viewers granted by the Creator. The nudes attributed to the Appellant are not all done by the Appellant and one is particularly detested. Michael Pevin's erect penis that can be seen in the record at the Eighth Circuit if not locked due to nudity not allowed shown there. *See Appendix Peven-Penis*

7. During this litigation Appellee Google Inc scanned a book in New York that had three of the Appellant's original fine art nude photos. Appellee Google Inc chose then to re-publish these 'figurenudes' digitally after this action and correctly attributed Appellant to these nudes before ANONYMOUS viewers against the Appellant's desires although this was known when done.

*See Appendix Ex. Google-Oops and Ex. Google Oops2.*

8. Defendant/Appellee Google Inc and the other Search Engines take advantage of the missing moral rights of US Title 17 and the nonfeasant Federal Communications Commission to traffic in pornography to anonymous viewers by WIRE as is described explicitly on p. 8 ¶ 51 of the Communications Act of 1934. The WIRE COMMUNICATIONS definition found there is a better explanation of the Internet than the definition found on page ninety. Pornography is the single most profitable use of communications by wire and makes EVERY OTHER portion of this action seem trivial.

*See Appendix 1934-p8, 1934-p90, Ex. Bing, Ex. YAHOO, Ex. AOL, Peven-Penis.*

9. The United States should apologize to the entire world for the trafficking of pornography by wire but will not. Muslim countries and China would no longer need to block the immoral United States' WIRE COMMUNICATIONS. More people are opposed to the Internet, as it exists currently in the world, than support it with absolutely no question.

10. Filters are HOAXES and the free flow of pornography is beginning to impact other communications standards with absolutely no question as seen by the relaxing of the FCC standards.

11. Defendant/Appellee Google Inc sold Plaintiff/Appellant advertisements run on domains licensed by Google Inc AdSense for Domains and made Plaintiff/Appellant rely on a believe they were run on *bona fide* searches.

### **REASONS FOR GRANTING THE PETITION**

1. The trafficking of pornography has been illegal since "WIRE COMMUNICATIONS" was first disguised as the Internet. Rating of sites for avoidance should have been done when the Internet first developed so that the computer purchaser determined pornography viewership permanently for all users of the computer. This would not require filters that can be avoided or fooled. This capability can be required now by the FCC and is technically extremely trivial.

2. Moral rights known missing from US Title 17 are alleged recognized for Canadians, Chinese, and citizens of all "Berne Treaty" signatory nations making US Title 17 violate the 14<sup>th</sup> Amendment as well as the Ninth and Fifth.

3. US Title 17 has been unconstitutional since April Fools Day 1790 when a lawyer/Judge appointed to Congress introduced a modified and plagiarized Statute of Anne from 1710 and called it the "Copy-right" Act without the hyphen in order to deceive citizens into thinking it recognized moral rights instead of creating licenses to sue or price-fix mass publication for the wealthy.

4. US Title 15 is unconstitutionally vague due to failing to assert that a domain name used for bona fide commerce is a trademark. Section 1125(d) does not require a bona fide use of a domain name for registry and this results in proposed Domain Name Defendants including ICANN Inc conspiring with proposed Search Engine Defendants to encourage 'cybersquatting' of all short domains for deceptive advertising like was sold to Plaintiff/Appellant such that there are more deceptive domains used exclusively for advertising than actual domains used for commerce, free speech, or other *bona fide* uses today. Expirations of domain name registrations should be US Title 15 reserved exclusive rights rather than bargaining chips in the Ponzi scheme as they are now.

5. This litigation will easily result in the broadest impact of any ruling ever made by Courts since the sixties or perhaps ever because it impacts every user of WIRE COMMUNICATIONS on earth as well as morally anchoring Title 17 and the Judicial Branch. Signing of petitions to allow anonymous viewership of pornography has never been done but would require name disclosures for viewing even controversial pornography. *See Roe v. Reed*, 09-559 (2010)

6. The supreme Court herein has an opportunity to reaffirm that limitations as a defense do not begin to accrue until the last of repeated acts as ruled March 24, 2010. *See Lewis v. Chicago*, 08-974 (2010)

7. The '*Dennis Factors*' used in District Court and allegedly created by the Eighth Circuit are unconstitutional for violating the Seventh Amendment and Federal Rules of Civil Procedure Rule 15 by granting Courts the powers of a king exactly like denial of common law equitable tolling was in this action when subjected to only Hon Jimm Larry Hendren's jurisprudence.

8. The following sections are filed concurrently in a Petition for Mandamus. This extraordinary writ of mandamus would directing the United States Court for the Western District of Arkansas to enter an injunctive order and also permitting service of the Amended Complaint on all desired parties preventing the Appellant from facing constant defamation while awaiting JURY actions. Absent this narrow and specific Mandamus Order requiring that Search Engines not continually defame the Appellant and that the FCC begin regulating communications by wire or the only extraordinary relief now plead, granting of the certiorari would allow the Appellant to have a JURY resolve this entirely in March 2011 and halt the continual defamation and the “domain name” Ponzi scheme from continuing. The Appellant’s Appeal was plead and denied and is pending reconsideration by the Eighth Circuit Court of Appeals.

## **CONCLUSION**

This petition for an extraordinary writ of *certiorari* should be granted because it will have MASSIVE impact without any question whatsoever on the United States and the ENTIRE world due to the United States’ constant International trafficking of pornography to anonymous viewers by wire. The WIRE COMMUNICATIONS of the United States offend every parent in the world not willing to accept the improperly demanded duty of preventing exposure to pornography while allowing children access to wire communications. Prevention of sinful viewing of these unregulated wire communications is an impossible task the United States asks parents to believe the duty of parents. SEC attorneys were paid by taxpayers to view pornography in spite of government filters underscoring the prima facia impossibility of the improperly demanded parental duty.

The fact that the FCC has been nonfeasant in regulating communications by WIRE since it came to be called the Internet is too important to wait for the perpetually pending injunctive order protecting the Moral Rights of the Appellant and allowing a jury to eventually determine damages. Continual defamation makes the other issues trivial. Appellant sought a narrowly tailored extraordinary writ of mandamus requiring the pending preliminary injunction to cease defamation and allowing the Complaint to be amended so that an Arkansas jury may address this action March 28, 2011 as now scheduled. Network Solutions LLC should be allowed added as should ICANN Inc due to their prima facia creation of a domain name ponzi scheme

## **Supreme Court Rule 10 Compliance**

### **1. Supreme Court Rule 10(a) Supervisory Rational**

Honorable Jimm Larry Hendren interpreted ACA 16-56-116 exceedingly illogically and ruled that limitations due to multiple disabilities provided redress for insane minors in prison outside Arkansas. No insane minor has ever been in prison in the United States to support this exceedingly absurd assertion and this flagrant logical error now warrants Supreme Court supervisory correction.

### **2. Supreme Court Rule 10(b) District Conflict Rational**

Honorable Jimm Larry Hendren dismissed the consideration of common law equitable tolling of limitation due disability as has been allowed by the Sixth Circuit. *See Ott v. Midland Ross Corp.*, 600 F.2d 24, 31 (6th Cir. 1979)

### **3. Supreme Court Rule 10(c) Supreme Court Conflict Rational**

Honorable Jimm Larry Hendren contradicted the Supreme Court ruling that limitations as a defense do not accrue from the initial act but the last for repeated actions. *See Lewis v. Chicago*, 08-974 (2010)

# Supreme Court Rule 20 Compliance

## 1. Supreme Court Rule 20(1)

The Plaintiff/Appellant swears and affirms being aware that writs of certiorari are discretionary and rarely granted. The mandamus petition was for NARROW and SPECIFIC orders that the Plaintiff/Appellant not be attributed to nude images whether done by Plaintiff/Appellant or not in image searches for his personal name while a JURY determines damages. Relief has already been sought in United States Court for the Western District of Arkansas and the Eighth Circuit Court of Appeals and no other legal venue exists since no other Court has discretionary jurisdiction. One Supreme Court Justice could issue an emergency order but this issue warrants certiorari of the ENTIRE Supreme Court to reduce the impact of testosterone on these proceedings.

## 2. Supreme Court Rule 20(2)

Plaintiff/Appellant has pleaded *in forma pauperis* and has filed paper copies as required and sent discs by US Mail to Appellee Counsel and makes digital copies available to the public perpetually via WIRE COMMUNICATIONS.

***See <[CurtisNeeley.com/5-09-cv-05151/Docket](http://CurtisNeeley.com/5-09-cv-05151/Docket)>***

## 3. Supreme Court Rule 20(3)

Plaintiff/Appellant asks the extraordinary Writ of Mandamus or Court Order now require Google Inc, Yahoo Inc, Microsoft Corporation, NAMEMEDIA INC, and IAC/InterActiveCorp not attribute nudes not allowed broadcast on public television to be attributed to the Plaintiff/Appellant and that Honorable Jimm Larry Hendren or other Western District of Arkansas Judge be required to enter an injunctive order and allow all named parties and claims to be added for trial early in 2011 as is now scheduled. The Plaintiff/Appellant also now asks that Network Solutions LLC, NAMEMEDIA INC and ICANN Inc be ruled responsible and subject to paying damages awarded by a jury and facing an injunction as determined.

The relief sought has remained pending in United States Court for the Western District of Arkansas since June 1, 2010 and the Eighth Circuit already alleged not yet having jurisdiction. This leaves the Supreme Court as the only option. This decision will affect more people directly than any ruling of any Court ever and the entire United States Supreme Court is the only Court worthy of such a ruling resulting in hundreds of billions fiscally and the morality of WIRE COMMUNICATIONS and of “copy-right” finally being required.

Respectfully and humbly submitted,

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Curtis J Neeley Jr., MFA

No. 10-6091

**IN THE  
SUPREME COURT OF THE UNITED STATES**

Curtis J Neeley Jr., MFA — PETITIONER  
*pro se*

VS.

NAMEMEDIA INC *et al.* — RESPONDENTS

**PROOF OF SERVICE**

I, Curtis J Neeley Jr., do swear and declare that on this date, August 23, 2010, as directed by the Supreme Court, I have served the enclosed Amended EXTRAORDINARY PETITION FOR A WRIT OF MANDAMUS and Petition for Writ of Certiorari on each party to the proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above pdf documents on CD or printed on paper in the United States mail properly addressed to each of them and with first-class postage prepaid except this was send FedEx to the Supreme Court This Petition is available publicly by WIRE COMMUNICATIONS from the following URL.

<[curtisneeley.com/5-09-cv-05151/Docket/index.htm](http://curtisneeley.com/5-09-cv-05151/Docket/index.htm)>

All exhibits and docket entries in each court ruling mentioned in this petition is broadcast at the preceding URL perpetually. Notice of Constitutional Question was filed as Docket 36 on January 5<sup>th</sup>, 2010 in the United States Court for the Western District of Arkansas. No Court has yet made a certification that the Constitutionality of an Act of Congress has been called into question as required by 28 U.S.C. § 2403(a) to the Solicitor General of the United States by a Court, however, a notice was served when this was returned unsigned. The names and addresses of those served are as follows:

**John M. Scott; Conner & Winters, LLP; 211 E. Dickson Street; Fayetteville, AR 72701**

**Brooks White; Allen Law Firm, P.C.; 9th Floor; 212 Center Street; Little Rock, AR 72201**

**Joshua Thane; Haltom & Doan; 6500 Summerhill Road Suite 100; Texarkana, TX 75503**

**Clerk, Supreme Court of the United States, Washington, D. C. 20543**

**Solicitor General of the United States, Room 5614, Department of Justice,**

**950 Pennsylvania Ave., N. W., Washington, DC 20530-0001**

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I declare under penalty of perjury that the foregoing is true and correct.

Originally executed on August 23, 2010.

Re-executed on September 02, 2010.

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Curtis J Neeley Jr., MFA