

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

[Neeley Jr v FCC, et al](#), (5:12-cv-5208)(13-1506)

STATEMENT WITH RESPECT TO ORAL ARGUMENTS

1. I, Curtis J Neeley Jr, wish to respectfully inform the Eighth Circuit that when or *if* this matter is reconsidered *en banc*; I will seek *pro bono* counselor(s) willing to represent this extraordinary action and present professional oral arguments.

FRAP 32(a)(2)(A)

This appeal is clearly not frivolous due the grant of IFP. The Panel already affirmed the non-frivolous nature and considered the extraordinary importance of this matter and encouraged *en banc* reconsideration. The Panel knew the ruling would result in requesting *en banc* reconsideration and this probably was the desire of the Panel. The Panel as well as every Eighth Circuit Judge should now set this matter for full briefing and presentation resulting in more Article III Judges considering this matter than are at the Supreme Court. The extraordinary importance of making the [sic] “internet” and all other distant communication broadcasting to unknown parties safe practically requires *en banc* consideration. Utterly free speech can remain safe like commercial movies today already enjoy due to tagging.

FRAP 32(a)(2)(B)

1. The dispositive issue of requiring regulation of all distant communications broadcast to the unknown was addressed collaterally by *Pacifica* and its progeny and the Supreme Court clearly desires to address this complicated issue.

2. *En banc* rulings are generally affirmed or should be, unless clearly misapprehensions. En Banc reconsideration is now sought.

FRAP 32(a)(2)(C)

The facts and legal arguments are more involved than can be adequately addressed by exclusively briefs. The decisional process would be significantly aided by oral argument through clarifications of the intricate written record.

CONCLUSION

1. Curtis J Neeley Jr has a severe traumatic brain injury (TBI) causing egregious communications deficits and these have been obvious. Given the extraordinary importance of this matter to EVERYONE ON EARTH using the [sic] “internet” to communicate, I, Curtis J Neeley Jr, respectfully advise the Eighth Circuit Court the “counselor(s) who have assisted “anonymously” and several law “professors” will present this issue clearly and more respectful than would be done by one severely brain injured visual artist *pro se*.

2. The portions of the damaged mind remaining got this matter through to this *En Banc* Reconsideration Request. This is close to the pinnacle of this damaged brain or beyond it. This damaged mind prepared the [3rd Amended Complaint](#) to seek ordered served in the *en banc* appeal and wish, due to the **extraordinary importance** of this matter, to use *en banc* reconsideration to motivate highly skilled counselors to this action warranting oral argument by someone with excellent skill and no TBI.

3. The briefs prepared and entered already will lead to the end of criminal [sic] “internet” Wi-Fi radio broadcasting regardless of any court action or holding due to the **extraordinary importance** of this matter with “pornography” addiction destroying billions of relationships and keeping the [sic] “internet” and all other distant communications media unsafe. Distant communications were more safe in 1980's except for the beginnings of cable-TV wire porn broadcasts.

3. I, Curtis J Neeley Jr, realize that oral arguments are disallowed per FRAP 35 for seeking reconsideration *en banc* and that per FRAP 32 this statement is not added to the word count limit for that request. If there is allowance of a scheduling order for hearing *en banc*, Mr Neeley will find pro bono counselor(s) who will present this matter very professionally. The egregious need **to protect ALL distant communications broadcast to the unknown by ANY media** is far beyond presentation only by one with communications as limited as the brain injured Mr Neeley.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703

Most Respectfully Submitted,
/s/ Curtis J Neeley Jr
Curtis J Neeley Jr