IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

U.S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED
JAN 03 2014
CHRIS R. JOHNSON, CLERK
BY
DEPUTY CLERK

Curtis J Neeley Jr., *et al*, **Plaintiff(s)**

CASE NO. 13-5293

Federal Communications Commissioners,
US Representatives; John Boehner, *et al*,
US Senators; Joe Biden, *et al*,
US Attorney General, Eric Holder Esq,
Microsoft Corporation,
Google Inc.

Defendants

BRIEF SUPPORTING MOTION FOR HONORABLE JUSTICE JIMM LARRY HENDREN TO CONSIDER RECUSING ON CODE OF JUDICIAL CONDUCT OR ON CONSTITUTIONAL GROUNDS

1. Plaintiff, Curtis J. Neeley Jr., acting *pro se* most respectfully moves Honorable Jimm Larry Hendren for entry of an order addressing recusal in keeping with the Code of Conduct for United States Judges like follow for relevant portions and per rights founded in the Sixth and Seventh Amendments.

> *"CANON 2A (A)Respect for Law. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*
>
> *An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.*
>
> *CANON 3A4 (4) A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law.*
>
> *CANON 3(C) Disqualification.*
>
> *(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:*
>
> *(a)the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;..."*

2. In addition to the potentially relevant portions of the Code of Judicial Conduct above, Honorable Jimm Larry Hendren was born in 1940 and was US District Court Judge in 1992 and the Senior Justice for the Western District of Arkansas from 1997-2012. Honorable Jimm Larry Hendren was a seated judge when the error of *Reno v ACLU*, (96-511) was made by the Supreme Court. 77 year-old Honorable John Paul Stevens ruled rather than recusing on unique developments in wire communications technology with absolutely no formative life experiences with these technologies developing broadcasting in the wire medium for the first time in history and ruled utterly against common sense and contrary to clear fact and US law like explained in the complaint over and over.

The *Reno v ACLU,* (96-511) mistake created the attractive figure-of-speech nuisance called [sic]"open Internet" just like imaginary [sic]"airwaves" that have never existed as a medium except as a figure of speech.

3. Honorable Jimm Larry Hendren then watched Honorable John Paul Stevens remain during improper behavior and wait to retire and continue during bad behavior till 2010. Honorable Jimm Larry Hendren more recently watched Honorable Ruth Bader Ginsburg, Honorable Antonin Scalia, Honorable Anthony Kennedy, and Honorable Stephen Breyer remain past age 70 and rule counter to the Constitution and common sense in order to preserve their oligarchy with the obviously improper *Citizens United* ruling calling corporate donations speech entitled to First Amendment free speech protections though not involving the free speech rights of anyone and inappropriately giving corporations or legal constructs the rights of humans that will esult in widespread civil disobedience and a drive to amend the Constitution.

4. No Honorable Justice should refuse to retire beyond age 70 and then only after five voluntary Senate reaffirmations each year beyond age 65. Article III Justices were given lifetime appointments in the Constitution because qualified citizens trained in law were very rare in the United States. This is no longer the case and utterly contradicts the Sixth and Seventh Amendments to the Constitution where law was framed with juries being given final power such that criminal decisions or decisions on serious civil matters were made by fair citizen peers versus an elderly oligarchy like Kings and Queens once clinging to power until death with God-like powers. The aging "English" oligarchy was one of the primary reasons for the Revolutionary War and the development of the United States.

5. This Plaintiff respects Honorable Jimm Larry Hendren's decades of service to United States' citizens and respects even Honorable Jimm Larry Hendren's current continuation beyond age 65 and even 70 due the "advise and consent" of Senate confirmations falling victim to political motives. This current wire communications broadcast violations complaint is concerning communications technology Honorable Jimm Larry Hendren has absolutely no formative life experiences with. Curtis J Neeley Jr prays Honorable Jimm Larry Hendren consider and address recusal and letting the next generation of the US Article III judges address these communications privacy crimes.

6. Research of broadcast wire communications generally using the slang term [sic] "Internet" reveals Honorable Jimm Larry Hendren sentencing child pornographers to decades if not centuries in

prison for [sic] "Internet" pornography involving children. Curtis J Neeley Jr particularly appreciates Honorable Jimm Larry Hendren performing this unpleasant but vital public service. There are, however, traces of improper tenor in pasr comments by Mr Neeley. These cached comments will eventually refresh and disappear or remain only as evidence of past frustration on a wholly separate claim addressing Mr Neeley's rights as an artist that Congress failed to protect.

7. The Plaintiff in this case is familiar with Honorable Jimm Larry Hendren's fairness due to past litigation. 17 U.S.C. §106A was ruled as not protecting [sic] "online" usages of art that clearly violate Article 6*bis* of the Berne Convention. This was not unfair but was unpleasant. This complaint seeks to have Congress answer for never protecting the ethical rights of artists to control indecent creations like protected by Article 6*bis* of the Berne Convention. Curtis J Neeley Jr accepts Honorable Jimm Larry Hendren's interpretation of 17 U.S.C. §106A as one valid reading of the law.

8. This complaint does not address ANY moral issues related to photography once done by Curtis J Neeley Jr. Over twenty years of extremely "well done" naked art has been almost completely removed from [sic] "online" by Curtis J Neeley Jr. This complaint does not address these nonexistent but pursued "moral rights" being violated for other artists similar to Curtis J Neeley Jr. This complaint does address attempts to keep original art from being displayed by wire and radio broadcasts to the anonymous like Curtis J Neeley Jr's children and others. Google Inc and Microsoft Corporation violated and still violate 18 U.S.C. §2511 and broadcast these private displays by radio and wire communications into US schools. None remain by Curtis J Neeley Jr involving "obscene, indecent or profane" images and hundreds of thousands of "obscene, indecent or profane" images are now gone.

9. BROADCASTING by wire is placing content on a computer so this content can be accessed by the anonymous public whether this content is announced, indexed, disclosed, or is not. Any file accessible by the anonymous public without any type of unique per-viewer authentication is also a Wi-Fi radio broadcast according to current US law. If an adult or child logs-on to access any file via "Facebook", "G+", "Discuss", or other authenticated method, the communication becomes an individual communication entitled to free speech like now extended by the *Reno v ACLU,* (96-511) mistake to Earth's entire anonymous audience. This egregious error does not leave control of this type "free speech" the moral duty of parents violating the fundamental human rights to raise children.

10. This litigation was done like a class action but is brought due to the personal injuries done to Curtis J Neeley Jr and to his children and children Curtis J Neeley Jr teaches in public schools. Witnessing the public broadcasting of pornography causes stress and harm to this Plaintiff and ANY parent on Earth could join this Plaintiff if willing. This is the ONLY morally acceptable future for communications being broadcast in the interconnected wire medium that now surrounds us and is often also accessible by radio waves that invade private homes and public schools.

11. This litigation does not in any way violate the injunction against Curtis J Neeley Jr because it does not involve ANY CLAIM addressed in the past whatsoever. This improper allegation would be sure to be in the first Motion by Google Inc and this Plaintiff prays Honorable Jimm Larry Hendren consider this litigation being violation of the prior injunction as if this claim were brought by Defendants using the *Neeley I, II, III,* and now *Neeley IV* or other prejudging title and address this claim and save Defendant's legal costs due to bringing frivolous claims based on *res judicata*.

12. Curtis J Neeley Jr still respects Honorable Jimm Larry Hendren and the long history of completely fair judicial service including the recent ruling that 17 U.S.C. §106A does not protect [sic] "online". This fair ruling was obviously due to Congress attempting to back into artist's moral rights without recognizing the centuries of misspelled copy[rite] laws in US Title 17 since 1790.

13. This claim should be the most universally impacting civil claim in history. The open [sic] "internet" of unregulated wire and radio broadcasting has mostly been illegal since first developed. Authenticated free speech will remain possible and the open [sic] "internet" of pornography will remain the profitable bedrock of open [sic] "internet" communications like now but anonymous pornography consumptions can't continue violating clear communications laws and harming children and spouses. The rule of law must finally make the open [sic] "internet" of wire and radio communications universally safe and universally accessible regardless of location or criminal influences by Google Inc and Microsoft Corporation conspiring to harm anonymous children.

14. Curtis J Neeley Jr realizes judges from Mr Neeley's father's generation or older and younger are likely to be offended by this Plaintiff refusing to respect judges not retiring and spending their last years with family instead of interpreting how old laws impact the newest of developing communications technologies and other complex technologies. Curtis J Neeley Jr greatly respects elders but realizes there are physical limitations to the human body that present challenges to the human mind and these are understood or have been experienced personally by Mr Neeley due to severe traumatic brain injury (TBI).

15. Curtis J Neeley Jr has a unique highly educated mind due to severe prior traumatic brain injury. This Plaintiff has contacted ABC, NBC, CBS, FOX, PBS, CNN, as well as the New York Times, 3rd District AR Representative Steve Womack, ACLU, the Southwest Times Record of Ft Smith, AR, the Northwest Arkansas Times of Fayetteville, AR and the Guard of Batesville, AR as well as the Parents Television Council and Family Television Counsel, Morality in the Media, and legal personnel of the United Methodist Denomination of North America and has established quite a certain reasonable belief that no human contacted wishes to give up the guilt free indulgences in anonymous free speech broadcast consumption created by the *Reno v ACLU*, (96-511) mistake and found that fighting pornography is a good business many will miss or are not willing to spend the time or money to seek enforcement of current laws that end porn broadcasting by wire.

Whereas Curtis J Neeley Jr still believes Honorable Jimm Larry Hendren to be a fair and competent older judge wearing the blindfold of justice as pointed out personally in District Court, Curtis J Neeley Jr, prays Honorable Jimm Larry Hendren consider on-the-record whether recusal is or is not required. If the blindfold of justice remains secure and recusal is not required to preserve fairness, Curtis J Neeley Jr, prays Honorable Jimm Larry Hendren address this unique claim as not violating any prior injunction since this would discourage costly frivolous motions that would surely follow but would not prevent these motions if any Defendant disagrees and wishes to be heard.

Most Respectfully Submitted,

Curtis J Neeley Jr.

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CERTIFICATE OF SERVICE

NOTICE OF PERMANENT PUBLIC SERVICE OF THIS COMPLAINT AND FREE PERMANENT PUBLIC MIRROR OF THE PACER ARWD DOCKET

1. This litigation will effect the future of [sic] "online" for the entire Earth and will remain accessible perpetually by simultaneous wire and radio broadcasting from the following two URLs. This is the easiest and most fair method for making this accessible to every US Senator, every US Representative, and every Federal Communications Commission Commissioner while accessible to all US citizens at the same time with the complaint in all common text file formats. Curtis J Neeley Jr swears and affirms under penalty of perjury that today January 2, 2014 this will be scanned and made accessible by the ARWD Court Clerk and be mirrored freely to each Defendant as well as the public.

A. TheEndofPornbyWire.org

B. TheEndofPornbyWire.org/docket

Most Respectfully Submitted,
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