# IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

U.S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED
JAN 10 2014
CHRIS R. JOHNSON, CLERK
BY
DEPUTY CLERK

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

**CASE NO. 13-cv-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**

**NOTICE OF CHALLENGE TO 17 U.S.C.§106A AS INTERPRETED BY THE UNITED STATES COURTS IN A FIRST IMPRESSION LEAVING both 17 U.S.C.§106A AND 17 U.S.C.§107 UNCONSTITUTIONAL AS WRITTEN**

1. United States Title 17 was presented as obviously unconstitutional since 1791 when the ninth amendment was ratified in Dkt. #7. The misspelled Title 17 rite only became more unconstitutional in 1976 when the human right to control indecent creations was again omitted in the unfair four-part "fair-use" exceptions test. Failing to address artists regretting their immoral art and repenting was fatal.

2. After being an unconstitutional legal rite for around 200 years the Visual Artist Rights Act of 1990 was an attempt to put a band-aid on the amputation of an already unconstitutional law hoping to appear more globally equitable with the Berne Convention and Article 6*bis* shortly after the United States claimed to "unstintingly" accept the Berne Convention.

3. In *Golan v Holder,* (10-545) the United States' Supreme Court ruled the Congressional decision to be "unstintingly" Berne Convention compliant was constitutional despite the Defendant Google Inc self-serving *amicus* in opposition during what has been called *Neeley I, Neeley II,* or *Neeley III.*

4. The United States Congress failed to recognize the obvious fact that Noah Webster "coined" an Americanized misspelling of "British term copyright" as copy[rite], though spelling this improperly. Dkt #7 settles the entire of Title 17 as unconstitutional as a matter of fact and as a matter of law.

5. Still; Congress tried to appear Berne Convention compliant without recognizing the already missing Article 6*bis* moral right to repent and proscribe further unauthorized name-associated distributions of morally questionable visual art like existed first in England in 1735 again in 1990. With 17 U.S.C. §106A, the United States semi-recognized the missing Article 6bis moral rights but discriminated on how this right applied and to whom. This violates ninth amendment natural rights and the right to equal protection under the law guaranteed by the fourteenth amendment.

6. This notice of unconstitutional 17 U.S.C. §106A is not a responsive pleading and neither were the portions for 17 U.S.C. §107 or the concurrently notice for 47 U.S.C. §230. The advisement of the likely class action claim is not adversarial either and does not warrant response. These were not done simply to increase the costs for this Plaintiff and were done in a belief of keeping with the Federal Rules of CP Rule 5.

7. Per one reading of Federal Rules of CP Rule 5(b) this Court should now per 28 U.S.C. §2403 certify to the US Attorney General that statute(s) have been questioned. This *pro se* party also interprets, perhaps in error, that because the US Attorney General, FCC commissioners, and Congress are parties to this action and should receive service, like every person on Earth may [sic]"online", the District Court notice may not be needed. Physical service of notices are archaic reminders that this is a new millennium and broadcasting notices by wires developed long ago.

Most Respectfully Submitted,

Curtis J Neeley Jr.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703
4792634795

# IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

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

**CASE NO. 13-cv-5293**

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

# 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 to make 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 broadcast in all common text file formats. Curtis J Neeley Jr swears and affirms under penalty of perjury that today January __, 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,
Curtis J Neeley Jr.

Curtis J. Neeley Jr.
2619 N Quality Lane
Suite 123
Fayetteville, AR 72703
4792634795