IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

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

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED
JAN 15 2014
CHRIS R. JOHNSON, CLERK
BY
DEPUTY CLERK

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

OPPOSITION TO MICROSOFT CORPORATION MOTION TO DISMISS

1. Microsoft Corporation in Dkt. #10 fraudulently alleges this complaint is another "*couched*" description of bing.com allowing users to perform searches using names on "**publicly available websites containing nude images** [displayed publicly]"[1] or the claim *allegedly* once pursued. This claim is utterly fraudulent yet admits the criminal conspiracy pursued with Defendant Google Inc to violate the **manner** electronic communications are originally made and "**provides access to**" morally questionable communications anonymously creating a public nuisance of unauthorized broadcasting of private communications called [sic] "internet". This attractive nuisance harms this Plaintiff, this Plaintiff's children, the public, or potentially ANYONE else on Earth [sic] "online". PERIOD.

2. This Plaintiff is harmed and all parents on Earth are harmed by the criminal conspiracy to intercept private communications by Microsoft Corporation and BROADCAST these illegally by wire and Wi-Fi radio. Tuning an AM or FM radio dial in 1978 was a more informed choice than typing a word into a bing.com image search is today. Radios no longer have dials to turn. Parents can't prevent when bing.com criminally "**provides access to**" self-labeled porn against the artist's "*Good Samaritan*" desires because wire communication broadcasting is now available by Wi-Fi radio broadcasting and is accessible on common personal phones and other portable electronic devices that are common parts of everyday life. The ability to parent is harmed for all parents on Earth [sic]"online" PERIOD.

1 This is a direct quote from Dkt. #10 only the untrue but clearly implied "displayed publicly" fraud is added.

3. The unauthorized broadcast of privately made indecent wire communications is a crime. PERIOD. 18 U.S.C. §2511 forbids when Microsoft Corporation "**provides access to**" communications that were private electronic communications. Broadcasting these private electronic communications by wire and Wi-Fi radio to children is criminal. PERIOD. Simply put, this type usage of [sic] "internet" by Microsoft Corporation is wholly criminal. Responsible adults may still view morally questionable electronic communications EXACTLY the way artists originally intended in keeping with the 18 U.S.C. §2511 communications law exempted WHOLLY from 47 U.S.C. § 230.

4. The visual artists at deviantart.com and many other public art websites are asked to "behave" and self-tag their art as morally questionable electronic communications if these might involve morally questionable material. Deviantart.com then requires receivers of "morally questionable" tagged communications to be logged-in, contactable adult deviantart.com site members. Deviantart.com, as a 47 USC §230(c) "*Good Samaritan*", prevents these morally questionable communications from being shown to the anonymous public in criminal wire and radio broadcasts by following the actual "*Good Samaritan*" rational 47 U.S.C. § 230 was written to originally protect.

4. Microsoft Corporation intercepts these morally questionable communications and displays these morally questionable communications to the general public who may not be members of deviantart.com in violation of US law. This is a clear crime and **differs** from the prior claim that morally questionable communications made to the anonymous public by this Plaintiff in the past continued to return in searches.

5. This Plaintiff still shows artwork at deviantart.com but none of these are, in fact, morally questionable communications. Six of these are labeled as morally questionable and are, therefore, shown only to logged-in adults by deviantart.com. Microsoft Corporation does not illegally return any of these images and obeys 18 U.S.C. §2511 for these six particular private electronic communications.

6. This Plaintiff appreciates Microsoft Corporation's attempt now to sometimes obey US law but does not appreciate avoiding other art sold by this Plaintiff at deviantart.com. Punitive fiscal damages are sought because Microsoft Corporation criminally violates 18 U.S.C. §2511 in searches for "curtis neeley" limited to deviantart.com by violating the manner of display of "morally questionable" tagged art listed as favorite artworks of deviantart.com user CATWILD(Karin) who lists this Plaintiff as a favorite photographer besides Ansel Adams. These random favorites are often labeled as morally questionable and are not shown to the public unless Microsoft Corporation or conspirator Defendant Google Inc intercepts these and returns these in "curtis neeley site:deviantart.com" broadcasts.

7. This unquestionable criminal conspiracy by Microsoft Corporation and Defendant Google Inc continues and can be seen using bing.com or google.com image searches and looking at criminal broadcasts to anonymous children when Microsoft Corporation and Defendant Google Inc also "**provides access to**" broadcasts made for "high key art online site:deviantart.com" and "curtis neeley site:deviantart.com" to anonymous children. Please keep in mind this Plaintiff's ability to parent is damaged when either corporation "**provides access to**" either search. Continued use of the personal name is therefore utterly irrelevant for either criminal conspirator. Exhibits are saved but not entered.

8. Docket #4 is not intentionally adversarial, but Marshall Ney Esq should have waited till this motion was resolved instead of charging for repeating Dkt. #6 ¶ #11 that was numbered and follows with underlining added to "**couch**" this quote properly.

> 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*.

9. Docket #6, "*MEMORANDUM BRIEF in Support of 5 MOTION for Recusal*", and particularly paragraphs (7-14) are repeated here as if set out again wholly and included. One definition of wire broadcasting from ¶ #9 will again be included.

10. **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, [and] 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 criminal conspiracy does not leave immoral "free speech" controls exclusively the duty of parents violating the fundamental human right to raise children for this Plaintiff and others similarly situated.

Whereas this complaint will impact the entire Earth and is concise, intellectually involved, and beyond most human minds; Curtis J Neeley Jr prays Honorable Jimm Larry Hendren remains in this case and denies the Microsoft Corporation Motion to Dismiss in a way that should prevent Defendant Google Inc from making the same claim except in order to allow interlocutory appeals and avoid a jury. Defendant Google Inc probably wishes only to be heard by judges. Forty-seven State Attorney Generals were incorrect in asking 47 U.S.C. §230(c) be altered to exclude State criminal laws instead of clarifying this statute like this United States Court should require at some time during this action. This is further explained in Dkt. #11.

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 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 15, 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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