

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

CURTIS J. NEELEY, JR.

PLAINTIFF

v.

No. 5:13-mc-00066

FEDERAL COMMUNICATIONS COMMISSION;
U.S. REPRESENTATIVES; JOHN BOEHNER, et al.;
U.S. SENATORS; JOE BIDEN, et al.;
U.S. ATTORNEY GENERAL, ERIC HOLDER ESQ.;
MICROSOFT CORPORATION; and
GOOGLE INC.

DEFENDANTS

O R D E R

Now on this 14th day of November 2013, comes on for consideration the plaintiff's **Miscellaneous Action Motion Seeking Leave to File Attached Pro Se Complaint** (document #1). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Plaintiff Curtis J. Neeley, Jr. seeks leave to file a pro se complaint alleging, among other things, that the Federal Communications Commission and the Congress have failed to protect his minor children from inappropriate communications broadcast via the internet, including the display of "naked art" associated with internet searches of Mr. Neeley's name. The proposed complaint further alleges that Microsoft Corporation and Google Inc. have refused to disable these search results in violation of Mr. Neeley's right to free speech.

2. Mr. Neeley has previously filed three lawsuits in this Court based on these same allegations.

COURT
EXHIBIT

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* In Neeley v. NameMedia, Inc., et al., Case No. 5:09-cv-5151 (Neeley I), Mr. Neeley complained that his artwork depicting nude figures was accessible to users who conducted an internet search of his name. This case was dismissed for failure to meet the proof required under the Anti-Cybersquatting Consumer Protection Act, 15, U.S.C. § 1125(d).

* In Neeley v. NameMedia, Inc., et al., Case No. 5:12-cv-5074 (Neeley II), Mr. Neeley alleged that the general accessibility of his nude artwork placed him in a false negative light by creating the appearance that he desired minors to be able to view the images. This case was dismissed for failure to state a claim and res judicata.

* In Neeley v. Federal Communications Commission, et al., Case No. 5:12-cv-5208 (Neeley III), Mr. Neeley alleged privacy violations based primarily on the same set of facts previously litigated. This case was dismissed for failure to state a claim, failure to exhaust administrative remedies, and res judicata.

3. In Neeley III, the Court sanctioned Mr. Neeley for repeatedly filing frivolous lawsuits regarding the same set of facts and circumstances. The Court enjoined Mr. Neeley from filing any motions, pleadings, or pro se complaints relating to events previously litigated without first obtaining the permission of the Court. See Order (document #58), para. 23, Neeley III.

4. The Court has reviewed Mr. Neeley's proposed pro se

complaint and finds that it relates to the events previously litigated in Neeley I, Neeley II, and Neeley III. In fact, the arguments made in the proposed complaint are largely identical to those made in Neeley III, which the Court deemed frivolous. For these reasons, the Court will deny leave to file the proposed pro se complaint.

IT IS THEREFORE ORDERED that the **Miscellaneous Action Motion Seeking Leave to File Attached Pro Se Complaint** (document #1) is hereby **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE