

No. 10-6240

IN THE

Supreme Court of the United States

In re: Curtis J Neeley Jr., MFA
pro se party

Petitioner,

v.

NAMEMEDIA INC *et al.*

Respondents.

**Petition For a Writ of Mandamus to the United States
Court for the Western District of Arkansas**

**PETITIONER'S SUPPLEMENTAL BRIEF ON THE
MERITS OF AN EXTRAORDINARY WRIT OF
MANDAMUS**

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QUESTIONS REDUCED TO TWO FUNDAMENTAL ISSUES

The Supreme Court denies most of the cases before it and attempting to concisely address two related issues that leave the FCC of the United States allowing morality free WIRE COMMUNICATIONS in violation of common law rights granted by the Creator and by the intent of the Communications Act of 1934 the petitioner reduces all issues from the prior petition now to two.

1. Why can no United States citizen be morally secure in original art or original ideas without being required to leave the United States to have this moral right exclusivity granted due to unconstitutional US Title 17.

2. How can the United States expect parents to teach children to be moral citizens and continue to allow immoral wire communications broadcast unregulated when television or radio are regulated by laws thereby teaching hypocrisy is the norm for their government?

The issues in the two questions above completely address all petition issues completely.

LISTED PARTIES

None appear in the caption of the case on the cover page. The following parties must be added to this proceeding so that relief can be executed since these two conspire to allow disparaging the honor of the Petitioner and either one could end it by enforcing EXISTING law and affecting everyone on Earth.

1. The Federal Communications Commission (FCC)
2. The United States

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Appendixes are referenced by name from the initial petition and this contains 3304 words total.

Law is either logical or law is wrong.

(e.g. It is illogical to fine CBS \$550,000 or even \$1 for Ms Jackson's (.7) second breast display when wire broadcasts of Ms Jackson's breast in the United States are allowed constantly via unregulated WIRE COMMUNICATIONS.)

TABLE OF AUTHORITIES

VARIOUS UNITED STATES DISTRICT CASES/RULINGS

ASMP, PPA et al. v Google Inc., 1:2010-cv-2717

The Author's Guild et al v. Google Inc., 1:2005cv08136

FEDERAL STATUTES, RULES, OR LEGISLATION

Seventh Amendment -- Right to trial by a jury

US Title 17 §§ 101, 106A – The “Copy-rite” Act

Berne Compact Implementation Act of 1988 – makes Title 17 more unconstitutional

The Communications Act of 1934 – Regulation of Wire Communications

US Title 47 §§ 153 ¶ # 52 – Wire Communications Defined

ARKANSAS STATUTES

ACA 16-63-207 => Libel and Slander

HOLY BIBLE REFERENCES

Genesis 3:22 => First Rejection of Responsibility by Adam

Exodus 20:15=> Prohibition of Theft

Exodus 20:16=> Prohibition of False Witnessing

Exodus 20:17=> Prohibition of Pride, Murder, Lying

Proverbs 6:19 => Prohibition of Fraudulent Schemes, Conspiracy

**IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS**

Petitioner respectfully prays for a *writ of mandamus* requiring the Western District Court of Arkansas grant Docket 167 motion seeking leave to amend in the actions below. Numerous District Court Motions are being considered, reconsidered, or ignored. Most are being ignored due to realizing this issue requires the Supreme Court's discretionary jurisdiction due to universal and international impact.

OPINIONS BELOW

1. The opinion of the United States District Court appears in the initial Appendix Docket 97, Docket 125, and Docket 126 to the petition and are unpublished. There are numerous exceedingly erroneous rulings in the United States Court for the Western District of Arkansas pending case (5:09-CV-05151) brought before the Eighth Circuit Court of Appeals and the Petitioner Brief was filed and dismissed. There is *ONLY* one logical result and no delays or advance notices are warranted.

OPINIONS BELOW (cont)

2. The Eighth Circuit Court of Appeals Case (10-2255) rejected jurisdiction and reconsideration was Plead but was then dismissed on August 23, 2010. The United States Search Engines damage the honor of the Petitioner continually and profit outrageously by trafficking pornography, including images done by Petitioner, as well as images falsely attributed to the Petitioner continually. The United States Search Engines continue outrageous defamation continually and every United States Search Engine desired named has prepared for this eventuality for decades already, or should have.

Law is either logical or....

Law is wrong.

JURISDICTION

The jurisdiction of this Court is sought under 28 U. S. C. § 1254(1) and particularly the portion that provides for *certiorari or mandamus* “before or after rendition of judgment or decree”. This is the type civil case for which **BEFORE** a decree was included and extraordinary discretionary jurisdiction is now warranted.

There have **allegedly** been no final rulings, however, this case warrants a preliminary injunction to stop defamation from continuing and trafficking of pornography by WIRE COMMUNICATIONS from offending most parents on Earth, including the Petitioner.

Petitioner has attempted continually, since June 2009, to halt trafficking of his original figure nude photography to children, atheists, or Muslims and has been repeatedly unsuccessful. The Eighth Circuit asserted lacking jurisdiction and every day Petitioner’s nude art is even correctly attributed to the Petitioner before minors harms Petitioner’s honor and only delays jurisdiction of the Supreme Court. Petition for Certiorari was filed and response brief waivers were filed. This Extraordinary Court Writ of Mandamus is now warranted as the FCC and the Attorney General have had ample time to object after receiving notices and waivers and have not.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Fifth and Seventh Amendments => Due Process and Right to JURY Trial
2. Communications Act of 1934 => Regulation of WIRE COMMUNICATIONS
3. ACA 16-63-207 => Redress for Libel and Slander

STATEMENT OF THE CASE

1. Petitioner became his own guardian in Jan 2006 but is still unable to perform all life's basic normal functions. Petitioner has almost no memory of most of his life and is unable to remember wives or children. Petitioner is unable to remember a prior history doing commercial photography or fine art photography involving the nude human as an object of art.

2. United States Search Engines regularly search the Internet for nudes published by the Petitioner and others asserting that truthful attribution and fair-use are protections. **This ignores the moral rights to prevent attribution to nudes before anonymous viewers granted by the Creator.** The nudes attributed to the Petitioner are not all done by the Petitioner and one is particularly detested. Michael Pevin's erect penis could be seen in the record at the Eighth Circuit but was locked due to nudity not allowed shown there. *See* Appendix Peven-Penis in initial filings or use unregulated wire communications called "Internet" for disguise now and search <images.google.com> for the Petitioner's personal name.

3. During this litigation Google Inc scanned a book in New York that had three of the Petitioner's original figure nude photos. Google Inc chose to re-publish three figure nudes digitally after this action and correctly attribute Petitioner to three nudes before ANONYMOUS viewers against the Petitioner's desires. This desire of Petitioner was known when initially republished by Google Inc as allowed due the FCC and US Title 17.

4. United States Search Engines continue to refuse to cease the other outrageously offensive "*truthful*" attributions alleging United States "fair-use". Not all attributions were ever truthful and continued violation of rights granted by the Creator is not fair and makes the claimed "fair-use" only more offensive.

5. All United States Search Engines take advantage of **missing moral rights of US Title 17 and the nonfeasant Federal Communications Commission** to traffic in pornography to anonymous viewers by WIRE as is described explicitly on p.8 ¶51 of the Communications Act of 1934. The WIRE COMMUNICATIONS definition found there better explains the Internet than the term found on page ninety. Pornography is the single most profitable use of COMMUNICATION BY WIRE and make EVERY OTHER portion of this action too trivial to include. See Appendix CA-1934-p8, CA-1934-p90, Ex. Peven-Penis or search <images.google.com> for "Curtis Neeley" and see the nude art and Michael Peven's erect penis that would not be allowed on TV.

6. **The United States should apologize to the entire Earth** for trafficking pornography by wire but will not. Muslim countries and China would no longer need to block the immoral United States WIRE COMMUNICATIONS. More people are morally opposed to WIRE COMMUNICATIONS called the Internet than support it on Earth with absolutely no question as WIRE COMMUNICATIONS of uncensored PORN exists currently in the world.

7. Filters are HOAXES and the free flow of pornography is beginning to impact other communication apparatus like radio and television with absolutely no question as seen by the relaxing of the nonfeasant FCC's other communication apparatus decency standards.

8. It make no sense to fine CBS \$550,000 for Janet Jackson's nipple display that lasted (.7) seconds during the 2004 Super Bowl becoming the most sought for event in the history of WIRE COMMUNICATIONS in 2004. Ms Jackson's (.7) second right breast display resulted in the most widely seen pierced nipple on Earth due to the FCC refusing to regulate WIRE COMMUNICATIONS as required by Communications Act of 1934 p.8 ¶(51). *See* Appendix Ex. CA 1934-p8, and compare this to Appendix Ex. CA 1934-p90 and consider the common definition of hypocrites only slightly modified.

Hypocrites: –noun 1. Persons who pretend to have virtue, moral or religious belief, principle, etc., that they do not actually possess, esp. people whose actions belie stated beliefs. i.e. The Federal Communications Commission regulating television et al.

REASONS FOR GRANTING THE PETITION

1. The trafficking of pornography has been illegal since “WIRE COMMUNICATIONS” was first disguised as the Internet. Rating of sites for avoidance should have been done when the Internet first developed so that the computer purchasers determined pornography viewership permanently for all uses of the computer. This would not require filters that can be avoided or fooled. This capability can be required now by the FCC and is extremely trivial.

2. Moral rights known missing from US Title 17 are allegedly recognized for Canadians, Chinese, Australians, and citizens of all “Berne Treaty” signatory nations except the United States making US Title 17 violate the 14th Amendment now as well as the Fifth and Ninth.

3. This litigation will easily result in the broadest impact of any ruling ever made by Courts since the 1960s or perhaps ever because it impacts every user of WIRE COMMUNICATIONS on earth as well as morally anchoring US Title 17.

4. This same action is concurrently submitted in a Petition for Certiorari.

Curtis J Neeley Jr v NameMedia Inc., et al., (10-6091), however, this extraordinary *writ of mandamus* directing the United States Court for the Western District of Arkansas to enter an injunctive order and also permitting service of the Amended Complaint attached to Docket 167 on all desired parties would prevent the Petitioner from facing constant defamation while awaiting JURY actions. A narrow and specific *Mandamus* Order requiring the FCC begin regulating communications by wire are the only extraordinary relief herein plead. Granting of this extraordinary relief would allow the Petitioner to have a JURY resolve this in March 2011 and halt the current continual defamation. Discretionary Supreme Court jurisdiction is the only type jurisdiction for immediate relief.

CONCLUSION

This petition for an extraordinary *writ of mandamus* should be granted because it will have a MASSIVE impact without any question whatsoever on the United States and the ENTIRE world due to the United States constant International trafficking of pornography to anonymous viewers by wire. The WIRE COMMUNICATIONS of the United States offends every parent in the world not willing to accept the improperly demanded duty of preventing exposure to pornography while allowing children to access wire communications also called 'The Internet' or 'IP-services'. Prevention of sinful viewing of these unregulated wire communications is an impossible task the United States asks parents to believe the duty of caring parents. Securities and Exchange Commission attorneys were paid by taxpayers to view pornography while industries crashed in spite of government filters underscoring the prima facia impossibility of the improperly demanded parental duty.

The fact that the FCC has been nonfeasant in regulating communications by WIRE since it came to be called the Internet for disguise is too important to wait for the perpetually pending orders to protect the Moral Rights of the Petitioner and allowing a jury to eventually determine damages. Continual defamation makes the other issues now be too trivial to mention in this EXTRAORDINARY request. Petitioner asks for a narrowly tailored extraordinary *Writ of Mandamus* requiring granting the pending Motion to Amend, Docket 167, so that an Arkansas jury may address this action beginning March 28, 2011, as now scheduled for a JURY trial and splitting the domain name issues from the outrageous defamation of this extraordinary Petition for a *Writ of Mandamus* if necessary.

Supreme Court Rule 20 Compliance

1. Supreme Court Rule 20.1

The Plaintiff/Petitioner swears and affirms being aware that *writs of mandamus* are discretionary and rarely used. The *mandamus* for a NARROW and SPECIFIC order that the Plaintiff/Petitioner not be attributed to nude images, whether done by Plaintiff/Petitioner or not, returned in image searches for his personal name while a JURY determines PUNITIVE damages. Relief has already been sought in United States Court for the Western District of Arkansas and the Eighth Circuit Court of Appeals. No other legal venue exists since no other Court has immediate discretionary jurisdiction.

2. Supreme Court Rule 20.2

Plaintiff/Petitioner has pleaded *in forma pauperis* and has filed paper copies as required and sent discs by US Mail to Defendant Counsels and makes digital copies available to the public perpetually via perpetually unregulated WIRE COMMUNICATIONS at <CurtisNeeley.com/5-09-cv-05151/Docket> Plaintiff/Petitioner filed *Petition for Certiorari* (10-6091). Opposing Counselors filed response waivers and received notifications of this related Mandamus Action with waivers and have not filed timely waivers or replies.

3. Supreme Court Rule 20.3

Plaintiff/Petitioner asks the extraordinary *Writ of Mandamus* require the FCC not allow broadcast of nudes not allowed on public television to be attributed to the Plaintiff/Petitioner and that Honorable Jimm Larry Hendren or other Western District of Arkansas Judge be required to enter an injunctive order and allow all named parties to be allowed added for trial early in 2011, as is now scheduled.

Supreme Court Rule 20.3(cont)

The relief sought has remained pending in United States Court for the Western District of Arkansas since June 1, 2010 and the Eighth Circuit already alleged not yet having jurisdiction. This leaves the Supreme Court as the only option for timely redress. This decision will affect more people directly than any ruling of ANY Court ever. The United States Supreme Court is the only Court worthy of rulings resulting in hundreds of billions fiscally and the morality of WIRE COMMUNICATIONS and US Title 17 finally being required since first disparaged on May 31, 1790.

Supreme Court Rule 10 Compliance

This petition aids the Court's Appellate jurisdiction due to extreme circumstances described in the preceding Rule 20 section and as further supported as follows for each rational listed in Supreme Court Rule 10.

1. Supreme Court Rule 10(a) Supervisory Rational

Honorable Jimm Larry Hendren interpreted ACA 16-56-116 exceedingly illogically and ruled that limitations due to multiple disabilities provided redress for insane minors in prison outside Arkansas. This flagrant logical error now warrants Supreme Court supervisory jurisdiction

No insane minor has ever been in prison in the United States to support this absurd assertion.

2. Supreme Court Rule 10(b) District Conflict Rational

Honorable Jimm Larry Hendren dismissed the consideration of common law equitable tolling of limitation due disability or a decision requiring a JURY in Sixth Circuit. See Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)

3. Supreme Court Rule 10(c) Supreme Court Conflict Rational

Honorable Jimm Larry Hendren contradicted the Supreme Court ruling that limitations as a defense do not accrue from the initial act but the last for repeated actions. *See Lewis v. Chicago, 08-974 (2010)*

SUMMARY

Any of the three Supreme Court Rule 10 reasons above would be sufficient for aiding the appellate jurisdiction for Writ of Mandamus and this writ can't be done by any lower Court and will require the entire Supreme Court. **This writ will absolutely be the most broadly impacting Court ruling in history and must be decided by the entire United States Supreme Court.** No other Court jurisdiction is sufficient or even close to sufficient. No other Court that has been asked to stop the continual defamation and trafficking in Petitioner's pornography to anonymous viewers has elected to IMMEDIATELY stop defamation as this Court may now do by exercising jurisdiction for an immediate Writ of Mandamus now plead. Supreme Court Clerk Cynthia J Rapp Esq told the petitioner on the phone that if the petitioner had ever posted nude photos to the Internet, there was nothing the Supreme Court would do about them now being shown by search engines. Court Clerk Cynthia J Rapp Esq reported an opinion that is contrary to numerous US Statutes and several Acts of Congress. The petitioner refuses to accept that the Supreme Court will continue to favor the free flow of pornographic wire communications to Earth's children.

Respectfully and humbly submitted,

s/Curtis J Neeley Jr.

Curtis J Neeley Jr., MFA

No. 10-6240
IN THE
SUPREME COURT OF THE UNITED STATES

Curtis J Neeley Jr., MFA — PETITIONER
pro se

V.

PROOF OF SERVICE

I, Curtis J Neeley Jr., swear and declare that on August 31, 2010, as directed by the Supreme Court Clerk Ruth Jones, I served the Amended **EXTRAORDINARY PETITION FOR A WRIT OF MANDAMUS** on each party's counsel and on every other person required to be served, by depositing an envelope containing these documents as PDFs on CD in the United States mail properly addressed to each of them and with first-class postage prepaid on August 23, 2010. Three additional copies were sent via FedEx overnight to the Supreme Court on August 31, 2010 for a total of six copies thus far. This Petition and supplemental brief is available publicly online linked from the un-regulated line "URL" below. All parties are aware of this fact. This *writ of mandamus* will affect WIRE COMMUNICATIONS called "the Internet" for disguise more than any ruling ever. This *writ of mandamus* will be the most significantly impacting United States Court ruling ever with no question.

<curtisneeley.com/5-09-cv-05151/Docket/index.htm>

All exhibits and all docket entries in each court ruling mentioned in this petition for *extraordinary writ of mandamus* is accessible at the un-regulated line "URL" above.

The names and addresses of those already served disk or paper notices are as follows:

John Scott; Conner & Winters, LLP; 211 E. Dickson Street; Fayetteville, AR 72701

(1-disk,email)

Brooks White; Allen Law Firm, P.C.; 9th Floor; 212 Center Street; Little Rock, AR 72201

(1-disk, email)

Joshua Thane; Haltom & Doan; 6500 Summerhill Road Suite 100; Texarkana, TX 75503

(1-disk, emails)

Clerks, Supreme Court of the United States, Washington, D. C. 20543

(6 paper copies, emails)

Secretary, Attorney General, Washington, D. C. 20543

(Supreme Court Docket notices, email)

Secretary, federal Communications Commission, 445 12th St SW, Washington, D. C. 20543

(Supreme Court Docket notices, email, FCC ECFS)

s/ Curtis J Neeley Jr., MFA