

No. _____

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 BRIEF ON THE MERITS OF AN
EXTRAORDINARY WRIT OF MANDAMUS**

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QUESTIONS PRESENTED

1. How can the FCC be allowed to continue nonfeasance and not regulate communications transmitted by wire since communications by wire came to be called the Internet? Why must United States or other nations citizens be required to adapt, filter, or avoid WIRE COMMUNICATIONS due this bald refusal to recognize p. 8 ¶ 51 of the Communications Act of 1934?
See Appendix Ex. CA 1934-p8
2. How can rights alleged to be anchored in various US laws during debate of the Berne Convention Implementation Act of 1988 in 1989 be denied because of failure to register a “copy-right” or buy a license to sue? There is no license granting the *right* to fight defamation in Arkansas.
3. Why is US Title 17 not unconstitutional on its face for not recognizing the moral rights for United States’ artist allegedly recognized for Berne Treaty signatory country citizens? *See* Appendix Ex. Berne
4. How can a District Court Ruling contrary to Supreme Court Ruling of March 24, 2010 be allowed to begin statutory limitations as a defense to accrue from initial trespass date for repeated actions? *See* Lewis v. Chicago, (08-974)
5. How can a District Court’s Ruling that was clearly in error due to illogically misinterpreting ACA 16-56-116 be allowed to not permit tolling due to multiple disabilities not described accurately in the AR Statute? The Court alleged “more-than-two” to have once intended permitting redress to insane minors in prison outside Arkansas. How can this severe logic error then be used by the Court to deny Seventh Amendment Rights recognized in the Sixth Circuit? *See* Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)
6. How can Honorable Jimm Larry Hendren rule contrary to the Supreme Court and permit outrageous defamation to continue being allowed? How can the Supreme Court permit Honorable Jimm Larry Hendren to not allow parties responsible for defamation to be added due to perpetual nonfeasance and failing to regulate communications by wire? This duty is described in legislation that created the Federal Communications Commission or since June 19, 1934 but is now ignored?

7. How can the Eighth circuit Court extend the time the Appellant is defamed by extending the time allowed for filing Appellee Briefs and still feel locking the filed exhibits from being publicly displayed on PACER was necessary? These images are returned to children who simply type their father's name into an image search engine or when their friends or anyone on Earth does via WIRE COMMUNICATIONS.

8. The *pro se*, pauper Appellant believes the nonfeasant FCC should be required to obey a narrow order that the Appellant's name return no nude images. A search engine that does not regularly traffic in pornography is <lycos.com> and thereby shows the ease of removing the danger of the defamation caused by presenting nudes to children and Muslims as well as the ease of ceasing attributing Appellant to pornographic images that the Appellant detests and have never been shown on his website.

9. Michael Peven's erect penis book photo is credited to Appellant continually as can be seen in Appendix Ex. Pevin-Penis. This causes outrageous defamation because the Appellant detests the fact that Michael Peven taught photography at University of Arkansas for thirty-plus years with no degree in photography. All Michel Peven did with photography was make a book with his erect penis on display for a MFA in "Artist Books" or a degree that no longer exists. His penis book was shown on the <uark.edu> server until the Appellant complained to University of Arkansas Dean and General Counsel. The University of Arkansas will face the Appellant for misfeasance after this litigation completely resolves if they still employ Michael Pevin, MFA at that time as *head* of the photography department.

10. Every American Search Engine that does not recognize moral rights, which are not recognized for ANY United States citizen, attribute nudes done by the Appellant and nude images not done by Appellant to the Appellant. These nudes are not allowed shown on television by even the nonfeasant FCC. These are all seen in the various Appendixes and this claim is not *SPECULATIVE*, as the Honorable Jimm Larry Hendren once claimed while admitting not considering evidence now in the record. Most all Appendixes are already exhibits mutilated by the Circuit Court Clerks inadvertently by low-resolution B&W scans of them now entered in the record.

11. A preliminary injunction was and is warranted immediately yet has languished pending on the District Court Docket since June 1, 2010 and pending Docket 134 requests the FCC be ordered to regulate communications by wire and allow no search engines to attribute nudes to the Appellant when images are presented to anonymous viewers. This would cost nothing to implement and would only mitigate damages. Only a jury can make this order permanent. The FCC has already responded to a complaint by the Appellant wherein they alleged lacking jurisdiction on wire communications in an obvious error.

LISTED PARTIES

All parties do not appear in the caption of the case on the cover page. In addition to the three parties on the cover page, the following parties must be added to this proceeding in the court whose judgment is the subject of this petition in order that relief can be executed since these parties were not allowed but disparage the honor of the Appellant.

Microsoft Corporation (MSFT)
Yahoo Inc (YHOO)
IAC/InterActiveCorp (IACI)
The Federal Communications Commission (FCC)
AOL LLC
United States

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Appendix are 60 total pages but 44 are orders herein appealed bringing the entire petition to a total of only 18 pages including the certificate of service and less than 5,000 words total. Law is either logical or wrong.

TABLE OF AUTHORITIES

SUPREME COURT RULINGS

Lewis v. Chicago, 08-974 (2010)

Doe v. Reed, 09-559 (2010)

VARIOUS UNITED STATES DISTRICT CASES/RULINGS

Ott v. Midland Ross Corp., 600 F.2d 24, 31 (6th Cir. 1979)

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

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

Waggoner v. Atkins, 204 Ark. 264, 271, 162 S.W.2d 55, 58 (1942)

Estate of Farnam v. C.I.R., 583 F.3d 581, 584 (8th Cir.2009)

FEDERAL STATUTES, RULES, OR LEGISLATION

Seventh Amendment -- Right to trial by a jury

US Title 15 § 1125(d)-- ‘Cybersquatting’ prevention

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

Digital Signature Act H.R. 1572

“*Dennis Factors*” of 8th Circuit – violate Seventh Amendment

ARKANSAS STATUTES

ACA 16-56-116 => The Tolling of Limitations by Disabilities

ACA 16-63-207 => Libel and Slander

ACA 16-123-102 => Disability Defined

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 135 preliminary injunction pending eventual final judgments in the pending actions below. An Interlocutory Appeal is pending as well as numerous District Court and 8TH circuit Motions being considered, reconsidered, or ignored. Most are being ignored due to realizing this issue requires the Supreme Court's discretionary jurisdiction due to universal international impact.

OPINIONS BELOW

1. The opinion of the United States District Court appears at 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 Appellant Brief was filed and dismissed and Motion Seeking Reconsideration is now pending but will be dismissed by the time this arrives in DC. There is *ONLY* one logical result and no delays or advance notices are warranted.

2. The opinion of the United States Eighth Circuit Court of Appeals was pending but extension of time was included in Appendix 8th Extension initially. The United States Court of Appeals has now ruled rejecting jurisdiction as seen in Appendix Ex. Not-Us. The Eighth Circuit Court of Appeals Case (10-2255) rejected jurisdiction and reconsideration was sought but will soon be dismissed on August 23. The Search Engine Parties damage the honor of the Appellant continually and profit outrageously by trafficking pornography, including images done by Appellant, as well as images falsely attributed to the Appellant continually. Opposing Search Engine Parties continue outrageous defamation continually and every Party desired named has prepared for this eventuality for decades already, or should have.

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 in pornography by WIRE COMMUNICATIONS from offending nearly every parent on Earth, including the Appellant.

Appellant 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 Appellant nude art is even correctly attributed to minors harms Appellant’s honor and only delays jurisdiction of the Supreme Court. Petition for Certiorari will also be filed but emergency Extraordinary Court Mandamus is now warranted.

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 16-56-116 => The Tolling of Limitations by Multiple Disabilities**
4. **ACA 16-63-207 => Redress for Libel and Slander**
5. **ACA 16-123-102 => Disability Defined**

STATEMENT OF THE CASE

1. Appellant became his own guardian in Jan 2006 but is still unable to perform all life's basic normal functions. Appellant has almost no memory of most of his life and is unable to remember wives or children. Appellant is unable to remember a prior history doing commercial photography or fine art photography involving the nude human as an object of art. There is a **tremendous** amount of data that Appellant now knows with no idea of why known. Severe Traumatic Brain Injuries (TBIs) are not understood in the least.

See Estate of Farnam v. C.I.R., 583 F.3d 581, 584 (8th Cir.2009)

2. Appellee NAMEMEDIA INC purchased <photo.net> in 2007 and began displaying Appellant's nudes to anonymous viewers against his wishes. Appellee NAMEMEDIA INC asserted perpetual licensure granted by the Appellant's continuing to use <photo.net> and thereby accepting new 'terms of service'. Appellant posted to <photo.net> about desiring having the original nude images removed but was ignored in 2009. Appellant advised the Digital Millennium Copyright Agent (DMCA), Hannah Thiem, in several venues as seen in the record repeatedly, but was ignored. On about January 24, 2010 Appellant notified the new 'DMCA' for Appellee NAMEMEDIA INC or Rob Rosell. Appellee NAMEMEDIA INC then no longer attributed the original nude art or pornography to Appellant before minors and the protest USE of the domain <namemedias.com> was no longer needed due to accomplishing the desired relief. The counter claim will only anger the JURY while considering PUNITIVE damages and is a blatant malicious act.

3. Appellee Google Inc licensed <eartheye.com> and <sleepspot.com> and ran the image search engine at <photo.net> causing nudes to result in searches for the Appellant's name until January 2010. They were notified via this lawsuit it was outrageous defamation in several venues as can be seen in the record accessible to the public perpetually at the following URL via unregulated WIRE COMMUNICATIONS.

curtisneeley.com/5-09-cv-05151/Docket

4. Appellee Google Inc regularly searches the Internet for nudes published by the Appellant and others asserting that truthful attribution and fair-use are protections besides the limitations now plead and allowed. This ignores the moral rights to prevent attribution to nudes before anonymous viewers granted by the Creator. The nudes attributed to the Appellant are not all done by the Appellant 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

5. During this litigation Appellee Google Inc scanned a book in New York that had three of the Appellant's original 'figure nude' photos. Appellee Google Inc chose to re-publish these three 'figure nudes' digitally after this action and correctly attribute Appellant to these nudes before ANONYMOUS viewers against the Appellant's desires. This desire was known when begun.

See Appendix Ex. Google-Oops and Ex. Google Oops2. Appellee Google Inc ceased this defamation when notified via Docket 134 but continue to refuse to cease the other outrageously offensive "truthful" attributions. Not all were ever actually truthful.

6. Appellee Google Inc and the other Search Engine Parties take advantage of the 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 seem so trivial they are not included here. *See* Appendix 1934-p8, 1934-p90, Ex. Bing, Ex. YAHOO, Ex. AOL, Peven-Penis.

7. The United States should apologize to the entire world 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 opposed to WIRE COMMUNICATIONS called the Internet than support it with absolutely no question as WIRE PORN COMMUNICATIONS exists currently in the world.

8. Filters are HOAXES and the free flow of pornography is beginning to impact other communication apparatus like for radio and television with absolutely no question as seen by the relaxing of the nonfeasant FCC's other communication apparatus' decency standards. How on Earth does it make sense to fine CBS for Janet Jackson's nipple display that lasted (.7) seconds and quickly became the most sought for event in the history of WIRE COMMUNICATIONS? Ms Jackson's (.7) second breast display resulted in the most widely seen pierced nipple on Earth due to the FCC refusing to regulate WIRE COMMUNICATIONS as required by p. ¶(51).

See Appendix Ex. CA 1934-p8, and Appendix Ex. CA 1934-p90 and compare.

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 purchaser determined pornography viewership permanently for all users 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 technically extremely trivial.
2. Moral rights known missing from US Title 17 are allegedly recognized for Canadians, Chinese, and citizens of all “Berne Treaty” signatory nations making US Title 17 violate the 14th Amendment now as well as the Fifth and Ninth.
3. US Title 17 has been unconstitutional since April Fools Day 1790 when a lawyer/Judge appointed to Congress introduced a modified and plagiarized Statute of Anne from 1710 and called it the “Copy-right” Act without the hyphen in order to deceive citizens into thinking it recognized moral rights instead of creating licenses to sue or price-fix mass publication for the wealthy.
4. This litigation will easily result in the broadest impact of any ruling ever made by Courts since the 1960s or perhaps ever be it impacts every user of WIRE COMMUNICATIONS on earth as well as morally anchoring Title 17 and the Judicial Branch. Signing of petitions to allow anonymous viewership of pornography has never been done but would require name disclosures for viewing even controversial pornography. *See Roe v. Reed, 09-559 (2010)*

5. The supreme Court herein has an opportunity to reaffirm that limitations as a defense do not accrue until the last of repeated acts as ruled March 24, 2010. *See Lewis v. Chicago*, 08-974 (2010)

6. This same action is concurrently submitted in a Petition for Certiorari. 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 on all desired parties would prevent the Appellant from facing constant defamation while awaiting JURY actions. A narrow and specific Mandamus Order requiring that Search Engines not continually defame the Appellant and that the FCC begin regulating communications by wire are the only extraordinary relief herein plead. Granting of this extraordinary relief would allow the Appellant to have a JURY resolve this in March 2011 and halt the current continual defamation. The Appellant's Appeal was plead and denied or ignored and is pending for timely reconsideration by the Eighth Circuit Court of Appeals but will be dismissed because the Eighth Circuit Court of Appeals does not have discretionary jurisdiction and Appellant has realized it 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. SEC 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 injunctive order, Docket 134, protecting the Moral Rights of the Appellant and allowing a jury to eventually determine damages. Continual defamation makes the other issues now be too trivial to mention in this EXTRAORDINARY request. Appellee asks for a narrowly tailored extraordinary *Writ of Mandamus* requiring granting the pending preliminary injunction to cease defamation and allowing the Complaint to be amended so that an Arkansas jury may address this action 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*.

Supreme Court Rule 20 Compliance

1. Supreme Court Rule 20.1

The Plaintiff/Appellant 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/Appellant not be attributed to nude images, whether done by Plaintiff/Appellant or not, being 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 Federal jurisdiction.

2. Supreme Court Rule 20.2

Plaintiff/Appellant has pleaded *in forma pauperis* and has filed paper copies as required and sent discs by US Mail to Appellee Counsels and makes digital copies available to the public perpetually via perpetually unregulated WIRE COMMUNICATIONS at the following URL.

<CurtisNeeley.com/5-09-cv-05151/Docket>

Plaintiff/Appellate will concurrently file a *motion for certiorari* and will send paper copies as required for prisoners although he will print ten more copies and send them as soon as able to afford ink, paper, and mailing early next month after receiving Social Security disability.

3. Supreme Court Rule 20.3

Plaintiff/Appellant asks the extraordinary *Writ of Mandamus* require Google Inc, Yahoo Inc, Microsoft Corporation, NAMEMEDIA INC, and IAC/InterActiveCorp to not attribute nudes, not allowed broadcast on public television, to be attributed to the Plaintiff/Appellant 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.

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 legal 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 March 31, 1790.

Supreme Court Rule 10 Compliance

This petition aids the Court's Appellate jurisdiction due to extreme circumstances described in the preceding 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. No insane minor has ever been in prison in the United States to support this exceedingly absurd assertion. This flagrant logical error now warrants Supreme Court supervisory jurisdiction.

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 as has been held a decision requiring a JURY in the 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)



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 to be final. 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 pornography to anonymous viewers has elected to IMMEDIATELY stop as this Court may now do by exercising jurisdiction for an immediate Writ of Mandamus now plead.

Respectfully and humbly submitted,

Curtis J Neeley Jr., MFA

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Curtis J Neeley Jr., MFA — PETITIONER
pro se

VS.

, NAMEMEDIA INC *et al.* — RESPONDENTS

PROOF OF SERVICE

I, Curtis J Neeley Jr., do swear and declare that on this date, August 23, 2010, as directed by the Supreme Court Clerk, Ruth Jones, I have served the enclosed Amended EXTRAORDINARY PETITION FOR A *WRIT OF MANDAMUS* on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above pdf documents on CD in the United States mail properly addressed to each of them and with first-class postage prepaid except this was sent quickly to the Supreme Court. This Petition is available publicly online linked from

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

as are all exhibits and all docket entries in each court ruling mentioned in this petition for *mandamus* perpetually.

The names and addresses of those served are as follows:

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

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

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

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 23, 2010.