IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED
MAY 23 2014
CHRIS R. JOHNSON, CLERK
BY
DEPUTY CLERK

Curtis J Neeley Jr. **Plaintiff**

CASE NO. _14-cv-5135

5 Federal Communications Commissioners,
FCC Chairman Tom Wheeler et al,
US Representative Steve Womack,
US Representative/Senate Candidate Tom Cotton,
US Senator Mark Pryor,
US Attorney General Eric Holder Esq,
Honorable Jimm Larry Hendren, Diana E Murphy,
Pasco M. Bowman II, Roger Leland Wollman,
Kermit Edward Bye, Stephen Breyer, ~~Steven M. Colloton~~,
Antonin Scalia, Ruth B. Ginsburg, ~~Denny Chin~~,
Anthony Kennedy, Samuel Alito, ~~Raymond W. Gruender~~,
Microsoft Corporation,
Google Inc. **Defendants**

BRIEF TO SUPPORT REPLY TO SHOW CAUSE ORDER

Plaintiff, Curtis J Neeley Jr, most respectfully files this Supporting Brief to further describe why there should be no finding of Contempt or Sanctions given and why the District Court should not dismiss this complaint. The facts regarding each of these three actions are included and will be better presented during the hearing along with statements of support filed in Exhibit "A" as will be supplemented with affidavits before the hearing.

Reply to "Contempt" Show Cause

The wrongs done by many of the judges were not based on any particular judicial action and therefore absolute judicial immunity does not apply. "*Because of its focus on judicial acts, judicial immunity attaches to the judicial function, not the judicial office.* [...snip..] *immunity will be determined by the immunity applicable to the legislative or*

executive function performed." *Supreme Court of Virginia v. Consumers Union of the United States, Incorporated,* 446 U.S. 719, 731-34 (1980). The wrongs continued every day by all but three of the judges listed have nothing to do with ANY judicial decisions made but are due to refusing to behave and retire or "pass the torch" despite passing the Social Security age for retirement of 65 or even 70. The justices over 70 are clearly not showing "good behavior" and these judges are not immune to damages caused by remaining judges outside of the "during good behavior" allowance of Article III. All judges under 70 should be dismissed because of absolute immunity. Dismissals are appropriate for three judicial defendants under 70. This Plaintiff was wrong about judicial immunity and apologizes most profusely yet should be allowed to pursue those over 70.

> "*Although unfairness and injustice to a litigant may result on occasion, it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself.*" *Bradley v. Fisher, 13 Wall.* 335, 347 (1872)

The (5:12-cv-5208) Dkt. #58 Order barred this Plaintiff from re-litigating the same claims of prior suits. Dkt. #25 of (5:13-cv-5293) claimed a line by line comparison of (5:12-cv-5208) Dkt #53-3 and (5:13-05293) Dkt #1. This claim is clear demonstration of bias now repeated in support of a judicial cohort. This incorrect claim will quickly be seen by ACTUALLY comparing these two side-by-side, as was allegedly done, and not stopping with the first section or the only identical portion since no new communications laws have been passed. This section should only have been labeled differently. No careful comparison of (5:12-cv-5208) Dkt. #53-3 to (5:13-cv-05293) Dkt. #1 or this complaint

have ever been done despite the claim in the Show Cause Order of, "*Plaintiff's Current Complaint is yet another willful, blatant, and intentional disobedience of this Court's Orders*". This is a tautological description of another failure to read the complaint filed carefully as will be made abundantly clear during the hearing of May 27, 2014 most tactfully. This Plaintiff profusely thanks this court for the opportunity to be heard.

Reply to "Rule 11 Sanctions" Show Cause

Neeley v 5 Federal Communications Commissioners, et al, (5:14-cv-05135) is most definitely "*willful, blatant, and intentional*". This complaint does not approach violating the impermissible, unconstitutionally vague injunction in (5:13-cv-05208) Dkt. #58, p.11.

Curtis J Neeley Jr has already been "sanctioned" by dismissal of paid complaints in violation of the Seventh Amendment right to a trial by a jury of peers for serious civil disputes like this. This Plaintiff is a disabled "pauper" with little to sell. The dismissed paid action caused this Plaintiff to liquidate property and borrow heavily in order to finally be heard and herein thanks this District Court for setting a hearing as was most kind and fair because a paid appeal will be impossible.

The Congressional, FCC commissioner, and judicial Defendants are not immune to suit for failing to follow their oaths of office and failing to support or defend the Constitution including: 1)the "progress clause" authorization to protect authors of indecent art for a time; 2) the Seventh Amendment guarantee to a trial by jury for serious civil disputes; and 3) failing to seek enforcement of the Article III "during good

behavior" clause. After the Seventh Amendment was passed; Elderly judges should no longer cling to power without culturally relevant life experiences for the decisions made. As a result of #3 above, these justices became elderly oligarchs like King George II ruling till age 77 in 1760 with senescence perhaps largely prompting the American Revolution of 1776. The United States exists perhaps due to rebelling against life-long oligarch rule. Most "American Colonial" subjects had clear memories of disliking a ruling King. (*e.g.* October 1760, George II was blind in one eye, and hard of hearing)[1]

Reply to "Summary Dismissal" Show Cause

Summary judgment or *sua sponte* dismissals require reading the complaint in the light most favorable to the adverse party. The claims plead have never been before any court but remain supported by clear evidence in exhibits that should result in summary determination of guilt with damages left for decision by a jury of peers. The claims against Google Inc and Microsoft Corporation were criminal violations of communications privacy laws that are exempted from the protection of the 47 U.S.C. §230 mistake. See 47 U.S.C. §230(e) & 18 U.S.C. §2511. The Federal Bureau of Investigations' Little Rock office advised this Plaintiff they would not take a criminal complaint because the only recourse would be hiring a lawyer and pursuing a civil complaint. The FBI and US Attorney claimed other more pressing claims to pursue. The clear fact no criminal jury has ever addressed punishing these crimes is *prima facia* evidence that *res judicata* should never have been applied by this District Court. The US

1 Thompson, Andrew C. (2011) George II: King and Elector. New Haven and London: Yale University Press. ISBN 978-0-300-11892-6 p275

"Duty Attorney" advised Federal Bureau of Intelligence agent Charles Falls there is nothing the FBI or the US Attorney would pursue and advised this Plaintiff the only recourse would be hiring an attorney and pursuing a civil claim against Google Inc. Agent Charles Falls would not then become involved whatsoever or name the US "Duty Attorney" consulted without a subpoena when advised of this Plaintiff responding to this Show Cause Order. A subpoena will now be sought if necessary.

Conclusion of Replies to Show Cause Order

The lack of a prior jury trial to punish for this organized criminal act is reason enough alone for resolution of this Show Cause Order. The next order should be a Stipulation and Resolution of the SCO and then a Scheduling Order. This will be further explained during the May 26, 2014 hearing TACTFULLY and most respectfully. Plaintiff prays for entry of a Resolution of this SCO Order stipulating the current litigation to be a claim never addressed before any United States Court in history. This claim now requires a jury since the statutes being violated by Google Inc, or violated previously by Microsoft Corporation, are criminal. This claim is not just a civil tort but involves an organized criminal act requiring civil penalty where Defendants are entitled to a jury. This stipulation would save each party legal expense by preventing repetition of frivolous *res judicata* claims like (5:13-cv-5293) Dkts. ##(12,16). Each clearly frivolous motion was granted *sua sponte* to certify the bias held, as protected by absolute immunity.

The Show Cause Order of (5:14-cv-05135) Dkt. #4 should be resolved with a stipulation of the inapplicability of res judicata granted since this response was a significant cost to this Plaintiff. The stipulations plead are warranted by clear facts and law and are not subject to opposition by opposing parties and are ripe for decision immediately.

Respectfully Submitted,

s/ Curtis J Neeley Jr.

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IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS[1]

Curtis J Neeley Jr. **Plaintiff**

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Microsoft Corporation,
Google Inc.

CERTIFICATE OF SERVICE

Plaintiff, Curtis J Neeley Jr, most respectfully affirms under penalty of perjury this will be filed and scanned by the United States Court for the western District of Arkansas and this scan will then be mirrored free "online" at TheEndofPornbyWire.org within 24 hours and be made available perpetually for free.

Respectfully Submitted,

Curtis J Neeley Jr.

s/ Curtis J Neeley Jr.

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1 also submitted before EVERYONE "online" on Earth at TheEndofPornbyWire.org