IN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

LOUIS JERRY EDWARDS, et al PLAINTIFFS/APPELLEES.

VS NO. 14-1891

JOSEPH M. BECK, et al DEFENDANTS/APPELLANTS

MOTION PER FRAP RULE 29(f) SEEKING LEAVE TO FILE AN *AMICUS* REPLY BRIEF

Pursuant to Federal Rules of Appellate Procedure Rule 29(f); This interested party, Curtis J. Neeley Jr., seeks permission to file attached Reply Brief after the recently filed Appellees' Answer Brief. Permission for an *amicus* to file a Reply Brief may be uncommon but this controversy is an uncommon constitutional controversy and no Brief filed addressed the rights of males in egregious error.

The short *amicus* reply brief attached wholly supports ONLY the Eighth Circuit Court of Appeals and addresses all Briefs filed in this controversy very concisely. This motion is procedural and pursuant to Federal Rules of Appellate Procedure Rule 27(b) may be decided by the Court Clerk. No party was contacted.

Respectfully Submitted,

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No. 14-1891

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

LOUIS JERRY EDWARDS, M.D., on behalf of himself and his patients, ET AL.

Appellees,

vs

JOSEPH M. BECK, M.D., President of the Arkansas State Medical Board, and his successors in office, in their official capacities, ET AL.

Appellant.

AN APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS RULING BY THE HONORABLE SUSAN WEBBER WRIGHT

REPLACEMENT REPLY BRIEF IN SUPPORT OF EIGHTH CIRCUIT COURT

Supporting vacating District Court mistake and augmenting honorable *Roe v Wade* from 1973.

Statement of Interest and Authority

1. Curtis J Neeley Jr. is an interested wholly unique mentally and physically disabled Arkansas citizen who supported and supports Act 301 but also recognizes the fundamental human right of females to artificially terminate pregnancies "*for a time*" of 12-weeks after conception.

2. Mr Neeley has impregnated several AR females who did not always abort and has female offspring. Mr Neeley has a granddaughter due to these various AR females choosing not to artificially terminate at least four pregnancies.

3. Pregnancy can now be detected and terminated privately without involving the rights of anyone but the impregnated female "*for a time*". (*e.g.* 12-weeks) A husband or father has no right to require or forbid termination of pregnancy "*for a time*". The right to privately decide is no longer exclusively the pregnant female's after the pregnant state becomes apparent and affects other parties. Regardless, Arkansas Act 301 allows uintil 12-weeks and development of a heartbeat

4. After 12-weeks of gestation, the right to preserve developing sperm/egg is constitutionally recognized in Arkansas as was encouraged by *Roe v Wade*. Mr Neeley formerly contacted counsel for each party and was told they would wait to read the *amicus* before deciding to oppose or welcome the *amicus*. Unfortunately, Appellees wholly ignored every *amicus* filed and did not address any of the other parties affected by pregnancy that eventually includes EVERY voter in Arkansas now before the Eighth Circuit

Court of Appeals rather than just a potentially pregnant female and the clump of cells within her womb exclusively addressed in the Answer Brief.

Authorship and fiscal support for brief

No party authored any of this brief and no fiscal support for this brief was provided by anyone. Many believe in egregious error a fundamental right to abortion prior to a "*bright line*" of viability was created by *Roe v Wade*. Still; Making abortion criminal is counter to *Roe v Wade* and can never occur. The Eighth Circuit should now vacate or reverse the error counter to *Roe v Wade* made by the District Court and end the contentious public moral debate regarding abortion. An unpleasant, private, moral decision is allowed in Arkansas "*for a time*" of 12-weeks per constitutional Act 301 though this law will surely now be fine tuned and copied nationwide if not copied worldwide.

SUMMARY OF REPLY AND STATEMENT REGARDING ORAL ARGUMENT

1. The well established "*bright line*" of viability, mentioned in Appellees' Answer Brief, considered ONLY the rights of the fertilized egg versus the private female right to discontinue gestation. The "*bright line*" of viability was never meant as anything but one of numerous "lines in the sand" and not the impenetrable wall it was treated as in error by Hon. Susan Webber Wright, Governor Mike Beebe, and the Appellees in the Answer Brief. The

Appellees Answer Brief did not address ANY *Amicus Brief* whatsoever although the right of a female to abort a pregnancy was not called or even alleged to be a fundamental human right in *Roe v Wade* as follows from Hon. Blacknun's ruling where *amici* can be seen to have at least been read with emphasis added.

> "***some amici argue*** *that the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses. with this we do not agree*" | *Roe v Wade*, 410 US 113(1973)
>
> "*a State may properly assert* ***important interests*** *in safeguarding health, in maintaining medical standards, and in protecting potential life. At some point in pregnancy, these respective interests become sufficiently compelling to sustain regulation of the factors that govern the abortion decision.* ***The privacy right involved, therefore, cannot be said to be absolute***." | *Roe v Wade*, 410 US 113(1973)
>
> "*We, therefore, conclude that the right of personal privacy includes the abortion decision, but that this right is not unqualified, and must be considered against* ***important state interests in regulation***." *Roe v Wade*, 410 US 113(1973)

2. *Roe v Wade* first considered the new ability to decide if fertilization required procreation. When this consideration was done, *Roe v Wade* balanced ONLY this new PRIVATE, moral, individual choice against the duties of the State to protect the life of the growing sperm though recognizing other interests existed as seen in ignored quotes above. All the "*important state interests in regulation*" are ignored by all of the progeny of *Roe v Wade* and were blatantly ignored by the Appellants, Appellees, and all US media. The fact most law schools do not teach consideration of these various "*important state interests in regulation*" does not preclude them.

3. The clearly constitutional Arkansas law makes exceptions for when fertilization was not due to an agreement. This reply is concise and should make the law's constitutionality self-evident; yet again. All parties agree there is no need for oral argument before the Eighth Circuit.

4. This **controversy hould still be considered *en banc*** given the nationwide impact of this controversy after the clear augmentation of *Roe* done by Arkansas Act 301 after over forty years of contentious citizen consideration of the various "*important state interests in regulation*" suggested first in *Roe v Wade*.

TABLE OF CONTENTS

STATEMENT OF IDENTITY, INTEREST, AUTHORITY.....2
SUMMARY AND STATEMENT REGARDING ORAL ARGUMENT 3
TABLE OF CONTENTS 5
TABLE OF AUTHORITIES.....6
STATEMENT OF FACTS.....6
BRIEF REPLIES PER BRIEF 6

I. REPLY REGARDING AMICUS OF CURTIS J NEELEY JR ENTRY ID [4157466]. 7

II. REPLY TO APPELANT BRIEF ENTRY ID [4158695].....8

III. REPLY TO AMICUS OF WOMEN HARMED BY ABORTION AND ABORTION "SUVIVOR" ENTRY ID [4160478].....9

IV. REPLY TO AMICUS OF LIBERTY COUNSEL INC. AND CONCEPTS OF TRUTH INC ENTRY ID [4160574] 10

V. *AMICI CURIAE* BRIEF OF PHYSICIANS FOR REPRODUCTIVE HEALTH AND NATIONAL ABORTION FEDERATION ENTRY ID [4175725]

VI. BRIEF OF *AMICUS CURIAE* AMERICAN PUBLIC HEALTH ASSOCIATIONENTRY ID [4176751].....14

CONCLUSION..... 14

Certificate of Compliance with Rule 32(a) 13

TABLE OF AUTHORITIES

Supreme Court Cases

Roe. v. Wade, 410 US 113(1973).....*passim*

Bible

Luke 23:29..... 7

STATEMENT OF THE FACTS

1. The citizens of Arkansas passed legislation regulating the artificial termination of human pregnancy as encouraged by *Roe v Wade*. Act 301 was then vetoed by Governor Mike Beebe alleging unconstitutionality in error. This veto was overridden by the citizens of Arkansas. Act 301 was then improperly ruled to be an unconstitutional limit to pregnant female rights before viability despite *Roe v Wade* noting "*important state interests in regulation*". This was a "*void*" ruling the moment it was made as the Eighth Circuit should now affirm in the supervisory role.

REPLIES PER BRIEF

Act 301 addressed the suggestion made by the Supreme Court for voters to address the various rational(s) warranting State regulation of abortion besides the two rights considered in *Roe v Wade*. These other ignored but impacted parties should now be protected instead of mistakenly ignored since 1973 and now most notably ignored by **every other brief** besides the short, embarrassing, mistake-filled *amicus* done by Curtis J. Neeley Jr.

I. REPLY REGARDING AMICUS OF CURTIS J NEELEY JR ENTRY ID-[4157466]

1. An *amicus* reply by an interested party to the brief entered by the same interested party can by nothing but thanking this honorable Court for allowing an Arkansas voter to describe other interested parties ignored by all others in this controversy.

2. Curtis J. Neeley Jr. must herein apologize for alleging Mike Huckabee would have ever vetoed Act 301 as the *amicus* did three times. This mistake is perhaps because Mike Huckabee was Arkansas Governor when Curtis J Neeley Jr. was severely brain injured on September 3, 2002.

3. Curtis J. Neeley Jr. herein apologizes for the end of "Statement Interest and Authority" ¶ #4 "*oppose of welcome*" that should have been "oppose, welcome, or ignore". There may be other errors but stating that a former minister who was an excellent Governor could even dream of vetoing Act 301 after reading Luke 23:29 is embarrassing and yet can't be undone just as terminating a pregnancy or "group of cells" can never be undone but was, in fact, encouraged by Jesus Christ in Luke 23:29 for women at some coming time in the future that we are surely in now.

II. REPLY TO APPELANT BRIEF ENTRY ID [4158695]

1. The Appellant Brief was reasonably well done but ignored ALL male Arkansas voters and those other interested parties described in the *amicus* filed by Curtis J. Neeley Jr. **prior** to entry of Appellant's Brief.

2. It was improper to allege the "*bright line*" of viability be revisited because the "*bright line*" of viability is clearly the earliest a group of cells can ever have their own independent "right to live" if this right ever exists before a live birth despite the moral allegations of past laws cited by *amici*.

3. "C. Recent Supreme Court Decisions Suggest an Express Change in Supreme Court Doctrine" paragraph #5 or ¶ #2 on p24 begins as follows.

> "*The viability standard announced in Roe should be revisited and overturned. Roe was decided over 40 years ago.*"

The passage of forty years has decreased the length of gestation required before viability is achieved but the Eighth Circuit Court should never violate the time honored legal doctrine of *stare decisis* mentioned in Appellees' Answer Brief "III. This Court Does Not Have the Power to Reconsider Binding Supreme Court Precedent." in ¶ #3 or first ¶ beginning on p.13. The viability standard was arbitrary when established and addressed only the duties of the State to protect a potential life though other *amici* contend a fertilized egg is an individual human life at conception. This allegation will always be a speculative claim.

III. REPLY TO AMICUS OF WOMEN HARMED BY ABORTION AND ABORTION "SUVIVOR" ENTRY ID [4160478]

1. Curtis J Neeley Jr found this *amicus* hard to read. It is clearly a fact that abortion was a crime before *Roe* in 1973 and became a legal pregnant female's option after *Roe*. ALL citizens under forty in the United States are "survivors of gestation" because the abortion option was not chosen.

2. *Amici* Dawn Milberger from "INTEREST OF AMICI CURIAE" (C) may still believe her parent's claim that she survived an attempted *in utero* termination. There may indeed be physical evidence of an attempt to abort. Regardless; The word "abortion" leaves absolutely no possibility of surviving. The title of this brief was used to incite emotion, as is improper.

3. Abortion is a legal choice that is as FINAL as the death penalty. There is NEVER a survivor after the choice to abort is made. *Amici* Dawn Milberger is not a "survivor" of abortion but is alive today exactly because of the same hard choice made by the parents of every person over forty today also made.

4. *Amici* Dawn Milberger's parents wanted Dawn Milberger to survive and chose not to abort. Any mother and father who desires to kill their own infant or young toddler today may with little fear of any law.

5. Natural laws clearly require this and this fact is completely obvious making the abortion controversy purely a profitable controversy to continue.

The abortion controversy is profitable for media, politicians, lawyers, and abortion providers.

6. Intentional termination of conception should soon become an imperceptible **private female choice** for 12-weeks after the "void" ruling counter to Supreme Court precedent made by the Eastern District of Arkansas is vacated or "reversed".

IV. REPLY TO AMICUS OF LIBERTY COUNSEL INC AND CONCEPTS OF TRUTH INC ENTRY ID [4160574]

1. The Liberty Counsel *amicus* Section I presented the *Roe v Wade* mischaracterization of the rights of the human fetus in the history of law very well but these laws or oaths were all a result of moral human choices that are not supported by clear fact even today.

2. The Liberty Counsel *amicus* Section II still only considered the rights of the pregnant female and rights of the "cell group" within. This *amicus* was a clear indication of the widespread failure of U.S. law schools to consider the "*important state interests in regulation*" and the wholly unforgivable failure to note that only ONE female pregnancy has ever "*allegedly*"[1] occurred without a male sperm. The long list of cited authorities only underscored the profitability of this controversy to lawyers.

1 Curtis J Neeley Jr accepts by faith that Jesus Christ was born to virgin Mary and no human was involved besides Mary. It is highly unlikely Mary' egg was involved either. This birth was scientifically impossible. "Evolution" and the "Big Bang Theory" are just as scientifically impossible. Faith is equally required to accept any of these allegations as fact after realizing the fossil "record" is a test left for human minds by God exactly like the forbidden fruit in the garden of Eden "allegedly" once was.

V. *AMICI CURIAE* BRIEF OF PHYSICIANS FOR REPRODUCTIVE HEALTH AND NATIONAL ABORTION FEDERATION ENTRY ID [4175725]

A. *"ACT 301'S BAN ON ABORTIONS DOES NOT PASS CONSTITUTIONAL MUSTER UNDER THE STANDARD ARTICULATED BY ROE AND CASEY"*

This assertion is further evidence of United States' law schools failing to read Roe v Wade and struggling to acknowledge that no progeny of other state interests in regulation recognized first in *Roe* but never before the court.

1. *"Act 301's Ban Affects Women Seeking Abortions Before Viability"*

Here amici also improperly treat "viability" as impenetrable "*iron wall*" despite the arbitrary nature of this time except when considering the rights of the fertilized egg and mother or only two parties EVER before the court in any of the progeny in the forty years since *Roe*.

2. *"The Provision Of Act 301 Prohibiting Abortions Before Viability Is Not A Regulation; It Is An Unconstitutional Ban"*

This allegation is as factually wrong and as improper as the claim by another *amici* to be a survivor of abortion. Ironically, the Supreme Court is very familiar with rights that are controlling "for a time" but that then expire. "Banning" requires permanent prohibition which Act 301 does not have until after the controlling private human right to artificially terminate pregnancy EXPIRES after both 12-weeks gestation and detection of a heartbeat. This argument attempted to mislead the Eighth Circuit Court.

B. *"ACT 301 IS INCONSISTENT WITH THE STATE'S INTEREST IN 'PROTECTING THE HEALTH AND LIVES OF PREGNANT WOMEN'"*

The health of pregnant women is crucial to the human species and explains why women and children are often evacuated first during disasters. Everyone alive exists because of a moderately healthy pregnancy.

1. *"Appellants' Claim That Act 301 Promotes Women's Health Is Rooted In A Fundamentally Incorrect Understanding Of The Safety And Availability Of Medical And Surgical Abortions"*

Arkansas citizens are often described disparagingly until they or their spouses become the President of the United States. Arkansans are often poor but generally happy due to looking at the bigger picture than lawyers from other States or this *amici* fundamentally.

2. *"The State's Interest In The Health And Safety Of Pregnant Women Is Ill-Served By Act 301 Because Abortion Is Safer Than Carrying A Pregnancy To Term, Labor, And Delivery"*

Women in Arkansas have have the same ability to use birth control as before Act 301 passed.

(i). *"Appellants fail to appreciate the medical risks of continued pregnancy and childbirth that women will assume if they are denied access to abortions at or after twelve weeks of pregnancy"*

Women in Arkansas have have the same ability to use birth control as before Act 301 passed EXCEPT where *amici* refer to abortion as only a form of birth control abortion is allowed to be in Arkansas for only 12-weeks after constitutional Act 301.

(ii). "*Abortion poses fewer risks to the physical and mental health of pregnant women than carrying a pregnancy to term, labor and delivery.*"

Women in Arkansas have have the same ability to use birth control as before Act 301 passed EXCEPT where *amici* refer to abortion as only a form of birth control abortion is allowed to be in Arkansas for only 12-weeks after constitutional Act 301.

3. "*Act 301's Medical Exceptions Do Not Adequately Protect Pregnant Women's Health*"

This allegation warrants no reply.

4. "*Act 301's Ban On Abortions Runs Afoul Of The State's Interest In The Integrity Of The Medical Profession And Jeopardizes The Ability Of Physicians To Meet Their Ethical Duties*"

This allegation warrants no reply except to advise the Eighth Circuit tactfully this *amici* fundamentally ignored the *in utero* patent killed in EVERY abortion protected by the interests of other parties by constitutional Act 301.

VI. BRIEF OF *AMICUS CURIAE* AMERICAN PUBLIC HEALTH ASSOCIATION ENTRY ID [4176751]

"A. *Access To Abortion Is Critical To The Public Health.*"

Yes; This is exactly why abortions are allowed for 12-weeks by constitutional Arkansas Act 301

"B. *Arkansas Is Particularly Vulnerable To Public Health Risks, Including Restrictions On Reproductive Care*"

This allegation warrants no reply.

"C. *The Ban On Abortions After Twelve Weeks Does Not Advance Any State Interest In Public Health*"

As backwards as this *amici* considers Arkansas, it was improper for *amici* to here use the term "*ban*" in another clear attempt to mislead the Eighth Circuit as impermissible for ANY *amicus*. There is never a survivor of abortion and this private, moral right is NOT BANNED BY ACT 301.

CONCLUSION

1. Politicians, many lawyers, many *amici* and all law schools must hope the abortion debate will never become simply a difficult, private, moral choice by females as encouraged by *Roe v Wade*. Regardless; Act 301 is constitutional and augments *Roe v Wade* as suggested within *Roe* and complies precisely as Arkansas' ignored voters pray the Eighth Circuit Court of Appeals now realizes sitting *en banc* because **more Article III judges would be involved *en banc* than if this controversy was heard before the Supreme Court** The Supreme Court has absolutely no duty to consider this controversy again and more than likely would never except if the legal doctrine of *stare decisis* was not followed or if other important interested parties were ignored, as was suggested improperly in ALL other briefs filed. Act 301 should end this profitable controversy without reconsidering the rights of a "group of cells", fetus, or unborn baby and without any concerns for abortion profits or the female regret for having unprotected sexual intercourse and becoming pregnant and not terminating a pregnancy during the 12-weeks allowed to all females by clearly constitutional Act 301.

2. Millions and millions of "cell groups", fetuses, or babies were not "killed" because of the honorable *Roe v Wade* ruling of the Supreme Court. Many if not most "Christians" consider *Roe* decision dishonorable, as is incorrect. What is, however, dishonorable is the fact that it took over forty years for Arkansas citizens to recognize the other interested parties to pregnancy while acknowledging the female's fundamental right to privately choose to remove a "cell group", or baby exactly like removing a tick or other undesired, living parasite. This desired replacement Amicus Reply is desired to wholly replace the amicus already submitted because of physical service of one of two addition *Amicus Curiae* to this interested party. The Appellees' Answer Brief was addressed as much as was warranted a brief ignoring most interested parties to Arkansas pregnancies before the court now unlike any of the progeny of *Roe*.

Respectfully and humbly submitted,

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Certificate of Compliance with Rule 32(a)

1) This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because: this reply brief contains 3,481 words, including the parts of the brief exempted by Fed., . R. App. P. 32(a)(7)(B)(iii).

2) This brief complies with the typeface requirements of Fed. R. App. P.32(a)(5) and the type style requirements of Fed. R. App. P.32(a)(6) because this brief is prepared in a proportionally spaced typeface using Open Office 4 in 14 point type in Times New Roman typeface with Arial typeface for the titles and is 3,481 words.

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