

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

CURTIS J. NEELEY Jr., MFA

PLAINTIFF

VS.

CASE NO. 5:09-CV-05151-JLH

NAMEMEDIA, INC.;

NETWORK SOLUTIONS, INC.;

and GOOGLE, INC.

DEFENDANTS

**SUPPLEMENTAL BRIEF SUPPORTING
DOCKET 270 RULE 59 MOTION FOR NEW TRIAL**

In June 6th, 2011 orders; This District Court held that republication of visual art electronically was not prohibited by law due to being art not protected by US Title 17 § 106A. This is a novel holding and is counter to numerous rulings across the United States, as well as common sense and online disclaimers¹ by Former Defendant Google Inc.

1. It was once assumed all counselors realized when judgments were rendered and when judgments are NOT rendered. The Plaintiff finds Dkt 275 to be an egregious legal error by calling the decisions in Dkt 267 “other than judgments”.

2. A great deal of time and money was spent in *RENO v. ACLU* (96-511) debating the meanings of “or indecent” versus “obscene”. The common meanings of language for interpreting statutes results in applicability of Rule 59, “New Trial; Altering or Amending a Judgment”, for use in Dkt 270, when examining the punctuation of Rule 59.

¹ “This image may be subject to copyright.” On every image result although the ruling of Dkt 267 establishes in the Western District of Arkansas that 17 USC § 106A does not apply to online display of photography.

3. Rule 59 applies to EVERY judgment or EVERY decision a District Court Judge makes. The “rulings” in Dkt 267 and Dkt 268 are judgments. There is nothing more appropriate than requesting a “new” fair trial and not waiting for proper “labeling” of these judgments.
4. Use of the semicolon linking the two independent clauses with no connecting words in Federal Rules of CP Rule 59 of the 1.(New Trial) and 2.(Altering or Amending a Judgment), is clear . See *The Purdue OWL*. Purdue U Writing Lab, 2010. Web. 06-27-2011.

Trial:—noun:<dictionary.reference.com/browse/trial>

1. Law .a. the examination before a judicial tribunal of the facts put in issue in a cause, often including issues of law as well as those of fact.
b. the determination of a person's guilt or innocence by due process of law.
2. the act of trying, testing, or putting to the proof.
3. test; proof.

Retrieved 06-28-2011

Judgment: —noun <dictionary.reference.com/browse/judgment>

1. an act or instance of judging.
2. the ability to judge, make a decision, or form an opinion objectively, authoritatively, and wisely, especially in matters affecting action; good sense; discretion: a man of sound judgment.
3. the demonstration or exercise of such ability or capacity:
The major was decorated for the judgment he showed under fire.

Retrieved 06-28-2011

5. The pro se litigant trusts that the educated and experienced GOOG counselors will appreciate the use of common language references cited above. It remains a mystery to the former Plaintiff how GOOG counselors were able to dismiss the first 269 filings of the “TRIAL”; wherein, the “judgment” of Dkt 267 resulted in egregious miscarriages of justice.

6. Honorable Jimm Larry Hendren stated, “[t]he words used here -- distortion, mutilation, modification -- all suggest a change to the work itself, not to the manner in which it is accessed”; thereby, failing to consider the first entry to the following common meaning of distortion:

Distortion: –noun <dictionary.reference.com/browse/distortion>

1. an act or instance of distorting².

2. the state of being distorted or the relative degree or amount by which something is distorted or distorts.

3. anything that is distorted, as a sound, image, fact, etc.

Retrieved 06-28-2011

7. Honorable Jimm Larry Hendren might not feel that display of a figure nude photo to children causes perception of the nude art to be distorted. This judicial decision or JUDGMENT is by one artistically untrained man asserting a personal belief regarding applicability of “distortion” to the display of the naked figure on the Internet to children as a result of a personal name search.

² Underlining added to “an act or instance of distorting” for emphasis

8. Honorable Jimm Larry Hendren stated, “[w]hen I write orders and my lawyers here advise me and help me draft orders, we try to be very careful about what we say and how we say it because words have meaning”.

Mr Neeley believes the words “trial” and “judgment” have meanings that are different depending on the audience exposed to them and when exposed.

9. Mr Neeley calls the last three years a “trial” before the court and Dkt 267 a “judgment”. Mr Neeley believes the commoner would agree after reading the definitions above that display of nude figures before minors is an act or instance of distortion; therefore warranting a new “fair trial” where the act of distorting the manner visual art is displayed is now recognized.

Respectfully Submitted,

Curtis J. Neeley Jr., MFA