Case No. 19-2690

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

Little Rock Family Planning Services, Planned Parenting of Arkansas & Eastern Oklahoma, d/b/a Panned Parenthood Great Plains, Plaintiff1, and Plaintiff2, on behalf of themselves and their patients

Appellees,

vs

Leslie Rutledge in her official capacity as Attorney General of the State of Arkansas, Larry Jegley in his official capacity of Prosecuting Attorney of Pulaski County, snd Matt Durrett in his official capacity of Prosecuting Attorney of Washington County, Sylvia D. Simon MD. in her official capacity as Chairman of the Arkansas State Medical Board, Robert Breving, MD., Veryl D. Hodges MD., D. O., John H.Scribner M.D., Omar T. Atiq MD.,Rhys L. Branman MD., Rodney Griffin MD., Mrs. Marie Holder. Brian T. Hyatt MD., Mr Larry D. "Buddy" Lovell, Timmothy C. Paden MD.,Don R. Phillips MD., William L. Rutledge MD, and David L. Staggs MD., in their official capacities as Officers and Members of the Arkansas State Medical Board, and Nathaniel Smith Md., M.P.H. In his official capacity as Director and State Health Officer of the Arkansas Department of Health,

Appellants.

MOTION SEEKING LEAVE TO FILE AN AMICUS

1. *Amici*, Curtis J. Neeley Jr., makes this Motion per Fed. Rules of Appellate Procedure Rule 24(a)(3) and Fed. Rules of Appellate Procedure Rule 29(a)(3). Curtis J. Neeley Jr. claims the disposition of this case thus far impedes the interests of all Appellants, most Arkansas voters, all elected Arkansas officials, and the dignity of humanity. The abuse of discretion by the Eastern District of Arkansas only perpetuates the inappropriate legal battle over the clear public need to regulate Fetal gestation when this human's gestation has become an obvious public matter and affects the super-majority of the public recognizing both: 1) the inalienable right to personal privacy (elucidated in *Roe v Wade*), and 2) the expiration of the honorable time allowed for privately electing to kill a human Fetus at 18-weeks gestation when a Fetus is 99.7% viable and begins to move with a four-chamber heartbeat and will react to pain.

2. No pregnant females are involved but there are statistically always several pregnant females in Arkansas within the 17th week of gestation LMP and these females should be prepared to be prevented from seeking to artificially terminate gestation at the start of the 18th week gestation LMP when the live, moving, human fetus has a heartbeat and is able to experience and react to pain as observable by the listening public with exceptions for rape and incest at this time.

3. This Appellate Court vacating of the honorable human conscience violating injunction prohibiting enforcement of Arkansas Act 493 will be appealed to and be considered by the Supreme Court and will result in an almost unanimous update to *Roe v Wade* but will do nothing but update the ruling in light of the developments in human dignity recognition since 1973.

4. Curtis J. Neeley Jr. begs this Court's forgiveness for seeking leave *pro se* given the mistakes seen herein and possible lack of timeliness as described further in a concurrently filed Supporting Brief mostly supporting Plaintiffs yet wishing to protect the recognition of human dignity while a Fetus is gestating and not able to be born at 18-weeks.

Respectfully and humbly submitted,

/s/ Curtis J Neeley Jr

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Appellants.

BRIEF SUPPORTING MOTION SEEKING LEAVE TO FILE AN AMICUS

1. Curtis J. Neeley Jr. makes this Motion per Fed. Rules of Appellate Procedure Rule 24(a)(3) and Fed. Rules of Appellate Procedure Rule 29(a)(3). Curtis J. Neeley Jr. advises the disposition of this case will impact the progress of humanity as greatly as the "*95 Thesis*" in 1517, the Copy[rite] Act of 1790, or as much as *Roe v Wade* did in 1973. The Attorney General(s) may be in the same situation as elucidated in this offered Amicus Brief but must try to defend all Acts regardless of how dishonorable two of them were. This interested party could not afford to purchase the other filed State *amicus briefs* and yet suspects they also support all three acts

2. No human on Earth today has the wholly unique perspective of Curtis J. Neeley Jr. regardless of their educations or life experiences as neurologists will never understand or be able to explain. Many States filed *amici* and sense the importance of this action, but do not see it as clearly.

3. Wishing to quietly file this *amicus* brief, Curtis J. Neeley Jr., is a very interested party but does not wish to wait till after early 2026 to reveal as much about the path to resolution of the gestation regulation controversy; – as is honorably possible today.

4. There will be immense unexpected consequences for highly religious citizens when this Court honorably vacates the only conscience violating injunction and allowing enforcement of Arkansas Act 493. This law has exceptions allowing the dignity of raped women to offset Fetal dignity. Preservation of the greater amount of human dignity requires some adjustment, as will gradually be done, when individually needed by a jury after (TRAP, Targeted Regulation of Abortion Pproviders) gestation regulations no longer need to exist anywhere ever again.

5. Vacating the Act 493 injunction will cause Plaintiffs to seek and then be granted certiorari by the Supreme Court. The monumental U.S. recognition of human dignity at 18-weeks gestation will result in an almost unanimous update to *Roe v Wade.* An honorable ruling vacating the Act 493 injunction will do nothing but update the central ruling of *Roe v Wade* in light of the developments in science and the gradual recognition of existential human dignity being recognized since 1973.

6. Unfortunately, human dignity is given reduced protection as populations increase because human nature is subject to mob influence and moral polarity. The same individuals accepting the extreme importance of free-will, privacy, or liberty enough to

kill a Fetus (only if preserving the greater of human dignity) also believe human dignity is reduced by this fighting and therefore do not choose to individually persevere.

7. The same obvious "*missing the forest because of all them trees*" dynamic makes *Citizens United,* 558 U.S. 310 (2010) an utterly ignorant violation of the individual right to free speech, once protected by the First Amendment, no longer existing after being granted to corporations and thereby wholly invalidating America's democracy. See CA, NY, et. al. and watch as corporate America runs this nation and more densely populated States seek to kill the Fetus until birth or allow the Fetus to die sometimes even after birth but at the time stop killing their convicted killers. The "herds of trees" are, in fact, the forest. Corporate free speech is the same type mob rule ignoring Fetal dignity.

7. The one dishonorable injunction is described further in the concurrently filed *Amicus* Brief and can be seen worldwide at endingelectiveabortion.com

Respectfully and humbly submitted,

/s/ Curtis J Neeley Jr

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Appellants.

AMICUS AS A WHOLLY UNIQUE INTERESTED PARTY "IFP" SUPPORTING VACATING THE INJUNCTION AGAINST ACT 493 AND AFFIRMING THOSE AGAINST ACTS 619 AND 700

Curtis J. Neeley Jr on behalf of himself and similarly interested citizens, *pro se*, brings this *amicus curiae* in the action captioned above defending Act 493 but not supporting the dishonorable Act 619 "Reason Ban" or the dishonorable Act 700 "OBGYN ban/requirement" and states as follows:

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(C) TABLE OF AUTHORITIES

(D) Curtis J. Neeley Jr. is polymath with a severe traumatic brain injury who sought to file an *amicus curiae* as an IFP supporter of Arkansas Act 301 before the Eighth Circuit Court of Appeals and then at the Supreme Court and was allowed as warrants being allowed again though untimely. This *amicus* filing is consistent with the prior filings but the urgency of updating the ambiguous portion of *Roe v Wade* instead of hoping to overrule the inalienable core allow this filing to benefit this Appellate Court and all of humanity due to a wholly unique perspective never before existing in modern times if ever existing.

(E) Curtis J. Neeley Jr. authored this brief in its entirety and no other party paid for any part of this brief or influenced the argument in any way.

(F) ARGUMENT

INTRODUCTION

1. In recent years, Arkansas engaged in an effective campaign against abortion after the Fetus develops a heartbeat at around 18-weeks. Arkansas enacted various laws aimed at preserving Fetal life in the State as well as preventing haphazard abortion of the gestation of an embryo in 2019 alone. Most recently AR Act 301 which this very interested party filed an *amicu* supporting in the Eighth Circuit and the Supreme Court.

2. Plaintiffs in this case challenged all three recently enacted "abortion" restrictions and erroneously assert these ALL fly directly in the face of Supreme Court precedent. The error was perhaps due to not studying the text

of Act 493 and treating frivolous artificial abortion of a gestating Fetus as if these untimely killings were instead removal of a parasite, malignant tumor, or removal of valuable fetal tissue to be donated to improve health care.

3. Plaintiffs sought declaratory and injunctive relief, as was granted erroneously from all three Acts on behalf of themselves and their patients under the United States Constitution and 42 U.S.C. § 1983 despite no fundamental human right to privacy being violated by Act 493. Without this abuse of District Court discretion, Act 493 would be preventing pregnant women from seeking professional killings of their indwelling Fetuses after 18-weeks. The other laws are either violations of privacy or are frivolous, violations of Equal Protection of Laws or are otherwise improper.

The Restrictions are:

- Arkansas Act 493 of 2019, to be codified at Ark. Code Ann. §§ 20-16-2003(9) to 2004(b). The "18-weeks limit" is honorable and naturally valid requiring vacating this injunction;
- Arkansas Act 619 of 2019, to be codified at Ark. Code Ann.§ 20-16-2003. The "Reason Ban" was an improper mistake;
- Arkansas Act 700 of 2019, to be codified at Ark. Code Ann.§ 20-16-605. The "OBGYN Requirement" as was an improper mistake)

4. Act 493 complies with the Supreme Court's ruling in *Roe v. Wade*, 410 U.S. 113 (1973) and more than four decades of precedent affirming *Roe's* central holding, which Act 493 does not disturb. Act 493 criminalizes killing a living human Fetus after 18-weeks making it criminal to kill a Fetus after

18-weeks of pregnancy, as measured from the first day of a woman's last menstrual period {"LMP".

5. This legal elucidation of expanded dignity for humanity was due to the clear fact of "quickening" occurring at 18-weeks if the fetus is viable.

6. Act 619 criminalizes killing an embryo or Fetus, if the provider has "knowledge" the woman's decision to terminate pregnancy is based on a test result, prenatal diagnosis, or "any other reason to believe" the embryo or Fetus has Down syndrome. Act 619 therefore violates the fundamental right to privacy or the keystone holding of *Roe v. Wade*, 410 U.S. 113 (1973) and was honorably enjoined, as should continue and support Rule 11 sanctions for the frivolous appeal.

7. Act 493 forbids killing a Fetus only after 18-weeks gestation. Plaintiffs mistakenly asserted this and the District Court abused discretion and ruled the constitutionally protected right to individual privacy in Arkansas prevents quickening and heartbeats of a viable Fetus after 18-weeks gestation despite being observable by the concerned Arkansas public or any physician. Reality thereby waives the inalienable right to privacy.

7. Reality and science have utterly ended the period of time for a right to privacy protected by the inviolate portion of the *Roe v Wade* elucidation. Individual privacy can only remain the controlling factor until the general

public wishes to protect the human dignity of the viable Fetus like honorable humanity did long ago as was recognized by honorable Act 493 warranting vacating the hastily done District injunction

8. The Supreme Court in *Roe v Wade* (1973) attempted to mark the earliest time a Fetus could survive on its own as this then became the legal dogma "*viability*" like used for decades before science discovered why quickening and heartbeats exist after 18-weeks gestation publicly revealing actual viability for a human Fetus and precedes the Supreme Court dogmatic "*viability*" by over 14-weeks though Act 493 protected the dignity recognition for the human Fetus for less than half this time in the interest of human autonomy, privacy or free-will.

9. This development of medical science and human progress demands humanity respect a viable human Fetus due to natural law and the Ninth Amendment, which also allows killing a human Fetus regardless of how viable until the 18th week of gestation in order to honorably protect human free-will or individual autonomy for a time without allowing indiscriminate or inhumane killing of a human Fetus.

10. Forbidding highly qualified, trained practitioners from killing an embryo or Fetus in Arkansas simply because they are not board-certified or

board-eligible in obstetrics/gynecology ("OBGYN"); the OBGYN Requirement provides no benefits for the female or indwelling Fetus but substantially burdens the fundamental right to privacy allowed by honorable Act 493 for a time. Act 700 also violates the right to equal protection of laws, as enumerated by the Fourteenth Amendment to the U.S. Constitution, and treats providers of and patients seeking embryo or Fetus killings differently than it treats providers and patients of other comparable procedures. The OBGYN Requirement, is therefore admittedly unconstitutional and this is obvious revealing the dishonor of the Act 700 appeal warranting Rule 11 sanctions.

11. All three Restrictions threaten Plaintiffs with stiff criminal penalties. Only Act 493, however, should have been enacted and only Act 493 has support of the same super-majority who supported Act 301 and may abhor all Fetal killings but acknowledge human free will and the same autonomy elucidated in *Roe v Wade* allows Fetal killings till 18-weeks gestation despite 99.6% actual Fetal viability at 17-weeks.

12. Honorable Act 493 makes it illegal to kill a Fetus at or after 18-weeks "LMP" but the other two State Acts (619,700) show the results of only a simple Arkansas majority desiring to make ALL Fetal killings illegal by making Fetal killing so onerous an act of killing these killings are almost

never done and begin to be considered executions of innocent humans (murders) rather than health care the Plaintiffs call them.

13. Curtis J. Neeley Jr. urges declaratory relief affirming the injunctions preventing enforcement of Acts (619,700) and a declaration to vacate the remaining injunction in this case and allow Act 493 to be enforced and begin protecting human Fetuses by law in Arkansas after 18-weeks gestation LMP rather than continue to allow indiscriminate killing of human Fetuses as continually justify homicide to protect the Fetus (in the eyes of many) and motivate billions of dollars challenging *Roe v Wade* rather than seeking an update reflecting the advancement of humanity since 1973. Act 493 will affirm the inalienable right to kill an embryo or young Fetus when the hastilly done injunction is vacated.

PLAINTIFFS

17. Plaintiff LRFP is a professional limited liability corporation licensed to do business in Arkansas. It has provided aide in killing embryos and live Fetuses in Arkansas since 1973. LRFP offers miscarriage care and basic gynecological care, as well as killing embryos and collectible Fetuses. LRFP operates a clinic in Little Rock providing both chemical and mechanical killing of embryos and human Fetuses. Chemical killing of embryos is offered up to 10-weeks LMP and mechanical killing of human Fetuses is offered until twenty-one 21-weeks and six days LMP, a point in pregnancy

at which a Fetus is generally viable though not yet developed enough to live outside the uterus. LRFP brought this action on behalf of its patients, and the physicians and staff it employs to safely kill embryos and Fetuses like collectible parasites including far beyond the 18-weeks where existential human privacy allows this often regreted but still legal human killing to occur after the injunction against honorable Act 493 is vacated.

15. Plaintiff PPAEO is an Oklahoma not-for-profit corporation licensed to do business in Arkansas. The services provided by PPAEO at its two Arkansas health centers include provision of birth control and emergency contraception by operating two of the three embryo and Fetus killing centers in Arkansas located in Little Rock and Fayetteville. PPAEO provides chemical killing of embryos in Arkansas up to 10-weeks LMP as is not impeded by Act 493 whatsoever. PPAEO or predecessor organizations have killed embryos and Fetuses in Arkansas for more than thirty years, and have offered chemicals killings since 2008. PPAEO brings this action on behalf of itself, its patients, and the physicians and staff it employs to kill embryos (an inalienable human right) and Fetuses 3-weeks and 6 days longer than legal after the hurried injunction is vacated and Act 493 begins being enforced.

16. Plaintiff1 kills embryos up to 10-weeks LMP. Plaintiff1 is not board-eligible or board-certified in OBGYN. Plaintiff1 sued for his/herself and his/her patients, whose rights are admittedly maligned by Act 619 and Act 700 which were passed attempting to forbid the human, existential free-will or personal privacy Act 493 recognizes as controlling for the first 18-weeks of gestation.

17. Plaintiff2 has provided medical care in Arkansas for more than four decades and killed both embryos and Fetuses for more than three decades and currently provides chemical embryo killing for 10-weeks LMP and kills moving, human Fetuses with beating heartbeats who experience pain up to 21.6-weeks LMP or 3-weeks and 6-days longer than allowed by Act 493 if enforced. Plaintiff2 sues on his/her own behalf and on behalf of patients who's rights are admittedly infringed by Act 619 and Act 700 but are not troubled in the least by Act 493.

DEFENDANTS

18. Defendant Leslie Rutledge is the Attorney General of Arkansas responsible for bringing an action for injunctive relief against any criminal who purposely, knowingly, or recklessly violates Act 493, to prevent the killing or attempting to kill more live, moving, human Fetuses with four-

chamber heartbeats in violation of Act 493 (Ark. Code§ 20-16-2006(e)(l)-(2)). She and her agents and successors were sued in their official capacities.

19. Defendants Larry Jegley and Matt Durrett are the Prosecuting Attorneys for Pulaski and Washington Counties, respectively and shall commence and prosecute all criminal actions in which the state or any county in his district may be concerned per Ark. Code§ 16-21-103 (2019). Defendants Jegley and Durrett are therefore still responsible for criminal enforcement of Act 493 in Pulaski and Washington Counties after the injunction against Act 493 is vacated although Act 619 and Act 700 were properly enjoined. Plaintiff LRFP's health center is located in Pulaski County and Plaintiff PPAEO's health centers are located in Pulaski and Washington Counties. Defendants Jegley and Durrett are also responsible for bringing a cause of action for injunctive relief against Fetus killers who purposely, knowingly, or recklessly violate Act 493 so as to prevent them from causing Fetal deaths in violation of Act 493 after the hastily done injunction is vacated. See Act 493 (Ark. Code§ 20-16-2006(e)(l)-(2)). Defendants Jegley and Durrett and their agents and successors were sued in their official capacities because of a desire to continue collecting and distributing donated killed human Fetuses having four-chamber heartbeats

despite experiencing pain for 3-weeks and 6-days longer than allowed after the hasty injunction is vacated now by the Eighth Circuit Court of Appeals.

20. Defendant Sylvia D. Simon, M.D. is Chair of the Arkansas State Medical Board. Defendants Robert Breving Jr., M.D., D. Hodges, 0.0., John H. Scribner, M.D., Omar T. Atiq, M.D., Rhys L. Branman, M.D., Rodney Griffin, M.D., Mrs. Marie Holder, Brian T. Hyatt, M.D., Mr. Larry D. "Buddy" Lovell, Timothy C. Paden, M.D., Don R. Phillips, M.D., William L. Rutledge, M.D., and David L. Staggs, M.D. were members of the Arkansas State Medical Board. The State Medical Board is responsible for licensing medical professionals under Arkansas law and they and their successors in office were sued in their official capacity.

21. Defendant Nathanial Smith, M.D., M.P.H., is the Director and State Health Officer of the Arkansas Department of Health, the agency charged with enforcing the Fetus protecting 18-weeks limit on Fetus killing which is an honorable update of *Roe v Wade*. Defendant Smith is sued in his official capacity.

OF ENJOINED ACTS 493, 619, AND 700 THIS APELLATE COURT SHOULD SUMMARILY VACATE ONE OF THESE (ACT 493) AND AFFIRM THE OTHER TWO (ACT 619, ACT 700)

Because Act 493 (the 18-week Time Limit to Fetus Killing) Acknowledges the Human Dignity of Moving, Human Fetuses with a Heartbeat and Able to Experience Pain. The other two Acts 619 and Act 700 violate human privacy and equal protection of laws

22. The 18-weeks limit to the killing of a Fetus criminalizes killing a Fetus after 18-weeks LMP (i.e., beginning at 18-weeks and 1day LMP)[2] in almost all cases. Specifically, Act 493 prohibits a person from "intentionally or knowingly" performing, inducing, or attempting to [kill a Fetus] if the "probable gestational age" is determined "to be greater than eighteen 18-weeks," as measured "from the first day of the last menstrual period of the pregnant woman." Id. § 20-16-2004(b); id. § 20-16-2003(9).

23. There are exception for rapes and if the Fetus is not viable and/or will cause harm to the mother. The exception for rape includes rape by family members, See Arkansas code, id. § 20-l 6-2004(b). The rape and incest crimes are horrific crimes but do not diminish the dignity of the resulting human Fetus. Fetal dignity is then offset in the interest of individual female human dignity. The core idea of improperly enjoined Act 493 and enjoined Act 301 were to acknowledge the sanctity of Fetal humans. Since U.S. Courts and humanity ruled 12-weeks is not enough time to privately choose to kill an embryo or Fetus despite being viable shortly after a heartbeat

2 Act 493 is currently subject to two exceptions permitting abortions after 18-weeks LMP: (1) in the case of a "medical emergency," now defined as "a condition that ... necessitates an abortion to preserve the life of the pregnant woman ... or when the continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function," id. § 20-16-2004(b); id. § 20-16-2003(6), (7); and (2) where the pregnancy is the result of rape or incest, as defined by Arkansas code, id. § 20-l 6-2004(b).

develops at or before 12-weeks. On information[1] and belief, a Fetus is viable (86.5% at 6wks; 91.3% at 7wks; 94.8% at 8wks; 96.5% at 9wks; 9.5 % at 10wks; 97.9% at 11wks; 98.3% at 12wks; 98.3% at 13wks; 99% at 14wks; 99.2% at 15wks; 99.5% @ 16weeks; 99.6% at 17wks; 99.7% at 18wks) the term "viable" is invalid as used by the Plaintiffs scores of times in their filings and by the Supreme Court in *Roe v Wade* in 1973, though unknown at the time. Regardless; Fetal human dignity is recognized by a super-majority of Arkansas voters. (who supported Act 301 and now Act 493) Ironically; A super-majority of OBGYN professionals (unnecessary for safely killing an embryo or early Fetus as improperly required by Act 700) agree the Fetus is statistically viable without any question whatsoever after the 18-weeks individual privacy is allowed to offset the dignity of Fetal gestation in Act 493.

24. The 18-weeks season for killing a live Fetus (honorable Act 493) also imposes new reporting mandates to ensure compliance. Act 493 requires physicians who kill a Fetus where the gestational age is greater than 18-weeks to file a report with the Department of Health within fifteen (15) days of the Fetal death detailing (among other things) the date on which the Fetus was killed; the killing method; the "probable gestational age" of the Fetus and the method used to calculate gestational age; a statement declaring the

1 https://duckduckgo.com/?q=how+safe+is+my+baby+after+I+hear+the+heartbeat

killing was necessitated by a medical emergency and the specific medical indications supporting killing due to a medical emergency; and the probable health consequences of the Fetal death and specific cause of death. See id § 20-16-2004(c)(l)- (2).

25. These reporting requirements are enforceable 10-days after either the effective date of honorable Act 493 or the date the reporting forms the Department of Health must create within 30 days of honorable Act 493's effective date are available, whichever occurs later. See id § 20-16-2005(a)-(b).

26. A violation of the 18-weeks limit to killing in honorable Act 493 is a Class D felony, which is punishable by up to six years in prison and a fine of up to $10,000. See id § 20-16-2006(a)(l); Ark. Code §§ 5-4- 201, -401. A woman [fathers to be added] upon whom a Fetal killing has been done, induced, or attempted in violation of honorable Act 493 may also bring a civil action for violation of the 18-weeks killing time limit making the killing financially ruinous. See id. § 20-16-2006(d).

27. Any physician who violates honorable Act 493 is subject to mandatory license suspension or revocation by the Arkansas State Medical Board, see id § 20-16-2006(b), and may be sued by a prosecuting attorney with appropriate jurisdiction or the Attorney General to enjoin the physician

from performing or attempting to perform any further Fetal killings violating the 18-weeks limit to Fetus killing. See id § 20-16-2006(e)(l)-(2). Initial convictions should be served without any chance for parole or this law will still be ignored till updated next year due to allowing untimely Fetal killings by retiring doctors for $10,000.

The Reason Ban (Act 619)

28. The Reason Ban (Act 619) makes it a crime for a physician to kill or attempt to kill an embryo or Fetus if the clinician has "knowledge" that a pregnant woman is seeking an abortion "solely on the basis" of: (1) a test "indicating" Down syndrome; (2) a prenatal diagnosis of Down syndrome; or (3) "[a]ny other reason to believe" the fetus has Down syndrome regardless of gestational time passage as unconstitutionally violates inalienable privacy. Ark. Act 619, § 20-16-2003 (2019)[4]

29. In addition, Act 619 mandates that, before providing abortion care, the physician who is killing the embryo or Fetus ask the pregnant woman (despite her right to privacy) if she is aware of any test results, prenatal diagnosis, or any other evidence that the fetus may have Down syndrome in violation of the fundamental right to privacy. See id. § 20-16-2003(b)(l). The Arkansas Act 619 FIAT is unconstitutional on its face and must remain

4 Act 619 defines "Down syndrome" as "a chromosome disorder associated with either: (A) An extra copy of chromosome 21, in whole or in part; or (B) An effective trisomy for chromosome 21." Id. § 20- 16-2002(2).

permanently enjoined. This is also a clear dishonorable violation of the privacy recognized by the honorable, inalienable rational for the *Roe v Wade* ruling and not the now dishonorable "*viability*" dogma like honorable Arkansas Act493 replaces by updating the once entirely honorable *Roe v Wade* ruling.

30. The Arkansas Act 619 FIAT is therefore unconstitutional on its face and must remain permanently enjoined and this dishonorable portion of the appeal warrants Rule 11 sanctions due to this portion of the Appeal being wholly frivolous.

The OBGYN Requirement (Act 700)

31. The OBGYN Requirement (Act 700) makes it a crime for a person to kill a embryo or Fetus, if that person is not board-certified or board-eligible in OBGYN. See Ark. Code§ 20- 16-605(a), Curtis J. Neeley Jr. herein advises of a vast majority of Arkansans believing this FIAT is a dishonorable attempt to forbid Fetus killing as is permitted as an inalienable human right for 18-weeks by Act 493.

32. Under not quite honorable Arkansas law, only a "physician licensed to practice medicine" can kill an embryo or early Fetus. Ark. Code§ 5-61-l0l(a) (2019). This law should be adjusted as done in other more honorable States to protect health instead of to protect an ideology despite attempting to look as if these are protecting health.

33. Oops; The different treatment of African, Asian, or atheist pregnant women or any other pregnant woman in similar medical circumstances without a valid honorable concern of the State violates the 14th Amendment just as Jimm Crowe laws once did and still would if allowed this long after slavery ended. Humanity has progressed beyond waiting for birth or viability to recognize the dignity a live human Fetus warrants naturally after 18-weeks gestation but Act 700 protects only an ideological position.

34. Yes; Arkansas still improperly tries to stop all elective abortions and has used "targeted regulation of abortion providers" (TRAPs) to keep Planned Parenthood, et. al. out of the State almost purely by disdain and stigma. It is not safe for either Plaintiff1 or Plaintiff2 now in Arkansas. Dressing FIATs like Acts (617, 700) up as if these were honorable laws protecting women and calling these common-sense laws should not somehow avoid the sanctions warranted due to forcing Plaintiffs to challenging two clearly dishonorable acts (Act 617, Act 700), which challenge the existential, inalienable right to privately choose for a time of 18-weeks when honorable Act 493 recognized the dignity of the human Fetus like the rest of humanity did long ago.

FACTUAL ALLEGATIONS
Abortion Practice and Safety

35. Legal abortion of gestation before 18-weeks pass is one of the safest medical procedures in the United States, and is far safer than continuing a

pregnancy through to childbirth. Abortion of gestation before 18-weeks causes less harm to the host female than colonoscopies, plastic surgery, and adult tonsillectomies. Abortion of gestation is safe and effective (complications are very rare) regardless of the method used to kill an embryo or Fetus or the wholly private rational for these killings.

36. Most (99+%) electing abortion of gestation have no serious complications. The risk of a woman experiencing complications requiring hospitalization is even lower, approximately 1/333. Like the risk of mortality, the risk of a serious complication increases as a woman's pregnancy advances and helped Arkansas recognize the dignity of Fetal life asserted with Act 493 at 18-weeks with 99.7% complete certainty/viable.

37. Legal abortion of gestation before 18-weeks is admittedly extremely safe but is becoming more rare; the complaint *alleged* approximately one in four women in this country will have killed an embryo or Fetus by age forty-five. This number is wildly invented propaganda wholly unrelated to fact. Allegations of the Earth being flat sounds hardly as absurd as this wild claim today and yet the steady decrease in the number of elective killings of gestating Fetuses will continue demonstrating both better sex education and general realization of a moving Fetus being a viable live human instead of a clump of cells without "*viability*" like a blastocyst, or embryo.

38. These FACTS seem obvious to most all young women although the less sentient elderly human population is growing as a percentage and is trying now to protect the elective "killing" of a human Fetus till 24-weeks and thereby alleging #youtoo and hoping to spread this propaganda via Courts using a newly invented liberty or equality rational like elderly Ruth Bader Ginsburg always preferred but which should never exist.

39. Women seek abortion for a multitude of complicated, personal reasons. The absolute right to privately decide for 18-weeks, acknowledged in Act 493, make any rationale whatsoever for elective killing be irrelevant because human dignity must first protect the free-will to "privately choose" for the pregnant woman for 18-weeks.

40. Some women kill an embryo or Fetus because they wish to avoid stretch marks or headaches. The absolute right to privately decide for 18-weeks makes any rationale whatsoever wholly irrelevant.

41. A majority of women alleging to have killed an embryo or Fetus in the United States have at least one child. Among the 2017 killings of an embryo or Fetus in Arkansas, approximately 65% of these killers had previous live births. These women may be struggling to accept the end of their childbearing years and provide for their teen or adult children. These women may be concerned about gaining weight. Regardless; The absolute right to

privately decide about reproduction for 18-weeks is allowed by honorable Act 493 and makes any rationale whatsoever wholly irrelevant.

43. Indeed, the immorality of killing a moving Fetus with a heartbeat after 18-weeks gestation is the common global realization Act 493 affirms in Arkansas as will soon follow in Fetus killing New York, California, and yes; – the entire United States.

44. Yes; Some women seek to kill an embryo or Fetus because continuing with the pregnancy could pose a risk to their health. Nevertheless; It is well within the fundamental human right to kill an embryo or early Fetus for any reason chosen or no reason at all. Act 619 is therefore admittedly an unconstitutional mistake disguised as fighting discrimination despite complete irrelevance.

45. In States across the country, such as Colorado, Illinois, and Montana, a variety of medical providers (like midwives, nurse practitioners, and physician assistants) legally provide both chemical and mechanical killings of an embryo or Fetus rendering Act 617 and Act 700 both unconstitutional mistakes clearly violating inalienable Supreme Court rulings warranting Rule 11 sanctions.

Killing an Embryo or Fetus in Arkansas

46. The vast majority of women who seek to kill an embryo in Arkansas, like in the nation as a whole, do so in the first 12-weeks of pregnancy while

the fundamental human privacy right allows this choice and as was first honorably protected absolutely in *Roe v Wade*. (ironically 6-weeks less than honorable Act 493 of 18-weeks LMP)

47. Chemical killings of an embryo are provided in the first 12-weeks typically through approximately 10-weeks LMP by ingestion of two types of chemicals at least one day apart to induce an early miscarriage. Chemicals used to kill an embryo require no anesthesia or sedation; the female simply takes the pills. "Abortionists" regularly provide chemicals to kill embryos up to 10-weeks LMP despite 9-weeks being beyond the risk of a miscarriage according to accepted medical research.

49. Chemically killing an embryo is extremely safe with risks for the pregnant woman similar in magnitude to the risks of taking commonly prescribed and common over-the-counter medications like antibiotics and ibuprofen. Therefore; a medical professional is almost never necessary despite improper Act 700.

50. Mechanical killings of an embryo or Fetus, which are provided till 21-weeks 6-days by Plaintiffs, are performed by opening the cervix and using suction and/or instruments to kill the live embryo or Fetus by sucking them out with the contents of the uterus. Despite being characterized as mechanical, these killings do not involve cutting into the woman and in

many cases can be performed with local anesthesia and instead of "doing no harm" these procedures are wholly designed to kill.

51. Mechanical killing of an embryo or Fetus is only available in Arkansas at LRFP up to 21-weeks and 6-days LMP currently by Plaintiffs, which is more than 12-weeks after a Fetus is more than 99 % viable and 3-weeks and 6-days longer than will be legal after the injunction against honorable Act 493 is vacated by the Eighth Circuit though currently enjoined hastily perhaps because of immoral Acts 619 and 700 affecting this hasty injunction.

52. Mechanical killing of an embryo or Fetus despite viability like chemical killings of an embryo are extremely safe. The mortality rates are lower than those of colonoscopies, adult tonsillectomies, and childbirth. As with chemical killings of an embryo, complications are extremely rare and may be handled safely and effectively by any clinician with adequate training, either on an outpatient basis or (where necessary) via a referral making the immorality of Act 700 clear.

53. Although most killing of an embryo in Arkansas occurs during the first 12-weeks, women also seek killing of a Fetus in the second trimester after 18-weeks LMP when illegal to kill a Fetus per Act 493 for a number of reasons. For example, some women with irregular menstrual cycles and

large stomachs may not realize they are pregnant for 18-weeks or months. In 2018, approximately 170 of LRFP's patients killed a Fetus after 18-weeks LMP. These will no longer usually be allowed because honorable Act 493 recognizes the dignity of the moving human Fetus with a heartbeat after 18-weeks, as precedes "*viability*" outside the womb at this time. Acknowledging the dignity of the moving human Fetus with a heartbeat is not recognizing any right to life for the Fetus but is recognizing the general human ability to recognize human dignity like has been recognized around the globe for several thousand years though often referred to as "quickening".

54. Honorable Act 493 will or should encourage women or older girls with irregular menstrual cycles or with large stomachs who choose to be sexually active to check for pregnancy after insemination regularly after the hurried injunction against honorable Act 493 is vacated and gestation detection becomes free and reliable.

55. In the case of taking chemicals to kill an embryo and certain mechanical shredding of Fetuses, the patient will have to make a third visit to the clinic for procedural care. These TRAP laws currently pass as protecting a valid State interest. Killing a Fetus or embryo, after all, should not be an easier procedure than buying an AR-15 or other lethal firearm.

56. Before killing an embryo or Fetus, Doctors provide non-directive patient counseling, which means they listen to, support, and inform the patient, without directing the course of action. This process is honorably designed to ensure patients are well-informed with respect to all their options, including terminating the pregnancy, carrying the pregnancy to term and parenting, and carrying the pregnancy to term and placing the baby for adoption. In addition, the process in Arkansas is designed to span several days to ensure the choice to kill is not made while angry or upset only to later be regretted severely and lead to extreme malaise increasing the incidence of suicide greatly in fact based on studies on medical records instead of propaganda.

57. Although some of patients disclose information about their reasons for seeking to kill an embryo or Fetus during these non-directive discussions, their reasons for seeking to killing an embryo or Fetus may remain private as is consistent with best medical practices and as honorable Act 493 protects.

Arkansas Already Regulates Fetus and Embryo Killing

58. Curtis J. Neeley Jr and most other humans believe is is ridiculous to call elective abortion of gestation a caring act and this *amicus* will not address the two admittedly mistaken Acts (619,700) further. For example; the following allegations are factual and should be obvious to those with enough intellect to realize 2 plus 2 is 4 and with access to a duckduckgo.com search.

a. A medium is the physical substance a signal passes through and discovering some mysterious unique and wholly new substance for communication has NEVER occurred making *Reno v ACLU* absurd and was creation of the "pornernet" or a factually wrong reinstatement of the "*indulgences*" protested in the "*95 Thesis*" in 1517 by Martin Luther. *Reno v ACLU* has therefore always been a VOID mistake allowing harmful, criminal broadcasts of pornography to intrude into homes as a hazardous nuisance.

b. Giving wide randomly scattered access to a substance like seeds, water, fertilizer, audio or radio waves is commonly described in English as broadcasting. It is illegal per 18 § 1464 to broadcast pornography by radio. Everything broadcast in the wire medium is also broadcast intrusively by radio such that most GOOG, MSFT, etc. use of the "pornernet" has been an obvious organized crime since 1997 despite the VOID *Reno v ACLU* mistake allegedly now protecting illegal, free, radio broadcasts of pornography in Dunkin coffee shops like was recently stopped by Starbucks via use of a regulated DNS as should e demanded by the FCC.

c. The word copyright was used first by Sir William Blackstone in "*Rights of Things*" in 1766 on page 406 but was never included in any dictionary until 1806 by Noah Webster. Mr Webster used copy[rite] in the 1790 copy[rite] Act, an Americanized plagiarism of the 1710 Statute of Anne (British ritual for organized royal censorship copied almost verbatim) to help creation of American English and create his authoritative dictionary altering American spellings without challenges by imported authoritative dictionaries from Britain being reprinted like the 1755 Johnson's Dictionary of the English Language used to write the Constitution including the copy[rite] clause though not using Mr. Webster's Americanism of copy[rite] instead of the British word copyright. British copy right already involved the human right to protect dignity or the right to control republication of regretted prior publications. This existential right is not yet protected in the U.S. though promoted in Britain by Founding father Benjamin Franklin to protect Jane Hogarth's moral right to stop publication of her

dead husband's political cartoon drawings, which were the first on Earth.

d. A viable action is a thing continuing in a process in common English able to exist, perform as intended, or succeed per the Cambridge dictionary of English. *See* dictionary.cambridge.org/us/dictionary/english/viable

59. In recent years, Arkansas(and most of America) largely decided *Roe v Wde* was once honorable but is no longer implemented in an honorable or moral manner and allows untimely Fetus killings. These untimely Fetus killings warrant justifiable homicide for all recognizing fetal human dignity and like has occurred in various States because wildly untimely and immoral killings of the live Fetus have begun in New York and elsewhere and will continue. Peaceful yet untimely killings of the Fetus are impossible violations of human dignity just as slavery and discrimination are. Honorable Act 493 would allow these to continue peacefully in the interests elucidated

60. Act 493 punishes those killing a Fetus after 18-weeks LMP or 3-weeks and 6-days before the period of time Plaintiffs in this action wish to kill a Fetus currently.

61. Act 493's 18-weeks limit bans Fetus killing after 18-weeks LMP, except those that fall within the stringent exceptions. Act 493 will therefore

prohibit Fetus killing after 18-weeks LMP by recognizing the dignity of the human at 18-weeks gestation like most of Earth's population already does.

62. Vacating the improper, overzealous injunction will force doctors to turn away patients wishing to kill a Fetus after 18-weeks LMP as intended by honorable Act 493. This is an allowed government interest an will encourage sexual equality and quickly result in free pregnancy testing.

The Reason Ban (Act 619) is Admittedly Dishonorable and Violates the Right to Privacy. The OBGYN Requirement (Act 700) is Unconstitutional and Burdens a Select Subsets of Women While Providing No Benefits

63. Arkansas does not impose a limit like the OBGYN Requirement on any other comparable medical procedure. It does not require these requirements for outpatient procedures of comparable or greater medical risk, such as colonoscopies or tonsillectomies. Arkansas law contains no requirement of a particular specialty, board-certification, or board-eligibility for physicians offering pregnancy or birthing care at a birthing center, even though carrying to term, labor, and delivery pose significantly greater risk to women than abortion.

64. Arkansas law lacks any such qualification requirements for providers of miscarriage management , even though that care is near identical to killing a Fetus from a technical perspective. In short, Act 700 subjects embryo and early Fetal killers and women receiving this service to unequal treatment without adequate justification and is like requiring only black women to ride in the back of a bus. There is no medical justification for the

OBGYN requirement. Arkansas apparently wants to require pregnant black women to "ride at the back of the buses" in Arkansas because more black pregnancies in New York end in Fetal or embryo deaths than end in live birth. This will be true of all humanity soon enough after reproductive privacy is recognized as inviolate for 18-weeks by Arkansas Act 493 as will update *Roe v Wade* and be almost unanimous.

REQUESTS FOR RELIEF (prayers)

I. Curtis J. Neeley Jr, asks this court to declare: Prohibiting Fetus killing prior to "*viability*" outside the womb, though clearly 99.5+% viable, leaves room for an honorable update to *Roe v Wade*; The 18-weeks time-limit of Act 493 does not violate the right to absolute privacy, for a time, guaranteed by the Fourteenth Amendment to the United States Constitution. It has always been impossible to claim an imaginary right to privacy while carrying a Fetus at 18-weeks with Fetal movement and heartbeats announcing a new human life warranting public dignity. Recognition of this fact is demanded continually by a super-majority of Arkansas citizens and a majority of humanity for thousands of years per natural law, as Act 493 does, with expandable dignity-based exceptions best left to a jury of peers.

II. The millions of people with beliefs similar to Curtis J. Neeley Jr. of Arkansas wish for Act 619 and Act 700 to be permanently enjoined and herein apologize for troubling this Court and the Plaintiffs with frivolous appeals.

III. On the OBGYN Requirement (Act 700), millions of people with beliefs similar to Curtis J. Neeley Jr. of Arkansas wish Act 700 to be permanently enjoined and herein apologize for troubling this Court and the Plaintiffs with this mistake and says there is no need to address the vagueness of admittedly unconstitutional Acts 619 or 700.

REQUESTS FOR RELIEF AND SEEKING AN UPDATE TO *ROE v WADE*

WHEREFORE, Curtis J. Neeley Jr. has a wholly unique human mind though hundreds of millions of humans have beliefs similar to Curtis J. Neeley Jr. of Arkansas and would also ask this Court:

A. To affirm the permanent injunctive relief restraining Defendants, their employees, agents, and successors in office from enforcing Act 619 and Act 700;

B. To declare Act 619 and Act 700 violate the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution as well as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution;

C. To declare Act 619 invalid for unconstitutionally violating privacy;

D. To vacate the injunction against Act 493 due to the respect for human dignity naturally warranted the human Fetus being recognized by Arkansas' citizens along with most of humanity recognizing long, long ago. The *Roe v Wade* affirmation of privacy can never be overthrown but 18-weeks will honorably update a limit for the period of time allowed for the right to privately decide to kill an embryo or Fetus from controlling from the dishonorable time of "*viability* outside the womb" to the time of 18-weeks gestation when honorable Act 493 protects the viable, mobile, Fetus with a four chamber heartbeat like has long been protected in Europe, by Christian beliefs, and by Hebrew laws, – though called quickening.

E. To remand this case to the District and direct the District Court to award Plaintiffs a portion of their attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and levy Rule 11 sanctions for defending dishonorable Act 619 and Act 700 despite violating clear U.S. laws establishing the

inalienable, existential right to privately decide about reproduction affirmed in *Roe v Wade* over fifty years ago and still existing inviolate with Act 493 until 18-weeks LMP have passed instead of the prior imaginary time of "viability" when the Fetus became viable outside the womb;

F. To direct such other and further relief as the Court finds just and proper.

G. To allow this *pro se* IFP filing and excuse the legal mistakes filling this concise document hoped to not obscure the elucidation of a perspective other litigants are likely to continue overlook until 2026. Act 493 will be the only type legal ruling the courts will be able to honorably allow then.

Dated: November 8, 2019

Respectfully submitted,

/s/ Curtis J. Neeley Jr.

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Certificate of Compliance with Rule 32(a) And Certificate of Service

1) This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because: this *amicus* brief contains 6,856 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 in a proportionally spaced typeface using Open Office 4 and 14 point type in Times New Roman typeface with Arial typeface for the titles and is 6,856 words.

3. This Brief and the Motion for Leave to File and the Supporting Brief will be scanned and be made available to all parties electronically and will be publicly available at endingelectiveabortion.com as well.

Respectfully and humbly submitted,

/s/ Curtis J Neeley Jr

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