

No. **15-7059**

**IN THE SUPREME COURT
OF THE UNITED STATES**

Curtis J. Neeley Jr. — INTERVENING PETITIONER,
JOSEPH M. BECK, M.D., President of the Arkansas State Medical Board,
and his successors in office, in their official capacities, ET AL.

Appellants

vs

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

Appellees

**NOTICE TO THE COURT AND ALL PARTIES PER
FRAP RULE 15.8**

This petitioner advises this Court and all parties ACA 577 and ACA 301 operate at cross purposes. ACA 577 is **facially** unconstitutional now and after ACA 301 moves the honorable limit for regulating professional abortion of gestation from the dishonorable “*viability*” limit to the more honorable 12-week limit whether new individual human life has begun or has not.

The temporary Act 577 injunction must become permanent in order to be consistent with the unpleasant, fundamental, inalienable right to choose for eleven weeks. Act 301 does not molest the unpleasant, fundamental, inalienable right to choose for eleven weeks as Act 577 does unconstitutionally. Governor Asa Hutchinson and Attorney General Leslie Rutledge say the following in regards to the temporary injunction issued in late December 2015 in (15-cv-00784-KGB):

“This is a commonsense approach for safety and I am hopeful the court agrees that this is a proper purpose for the legislature to act,” he said. “As made evident by their lawsuit, Planned Parenthood places a premium on the convenience of abortion providers over the health and welfare of women seeking these procedures.” - Gov. Asa Hutchinson

Judd Deere, spokesman for Attorney General Leslie Rutledge, said Thursday the restraining order “is limited to enforcement of portions of the act against the specific plaintiffs in this case; therefore, the act, including those portions, will still take effect tomorrow.”

Act 577 is the opposite of common sense and was motivated by the most vocal, dishonorable, and unpleasant of the solid anti-abortion super-majority in Arkansas after Act 301 was enjoined. The more honorable and silent of the anti-abortion majority realize abortion of gestation is an unpleasant, inalienable right doctor(s) must be allowed to assist with safely and conveniently “for a time”. Professional assistance should, most certainly, be allowed during the first 11-weeks and should be encouraged then.

Honorable anti-abortion Arkansans wish to protect the unborn prior to “*viability*”, as defined in 1973, as soon as the unborn may no longer be frozen and stored for later use. Human fetal life starts between 9-12 weeks when freezing is no longer a viable option. The 11-weeks professional abortion of gestation is allowed by Act 301, despite this fact, was an unpleasant but honorable deference to female autonomy. This is unconstitutionally lacking in Act 577. New individual human life has always begun and usually warrants State protection after 12-weeks gestation when fetal heartbeats are detected. Act 301 is honorable and Act 577 is clearly dishonorable as this Court and *America* will soon admit.

The District Court was gracious and ruled on the case before it instead of the facial claim in “*token*” deference to Supreme Court preference. This District Court had recently, invalidated a law stopping payment of any “Planned Parenthood” by Medicaid. This law was done because of the visceral impact of fetal bodies being sold or being disposed of in landfills.

Yes; the “*as applied*” deference by the District Court required all other medicated abortion providers in Arkansas to follow outdated medicated abortion of gestation protocols. The Attorney General and Governor both always knew dishonorable Act 577 would affect absolutely nobody during the injunction or, in fact, ever.

U.S. District Judge Honorable Kristine Baker said, “[Act 577 created] an undue burden and [has] the effect of placing a substantial obstacle in the path of a woman's right to choose to have an abortion of a nonviable fetus”. When the limit created by *Roe* changes to 12-weeks in Arkansas, per the coming honorable Act 301 ruling, this will still be true if not more obviously true. There is no valid reason per safety or logic for Act 577's requirement of contracts with a local admitting doctors for proscribing abortion drugs for off-label use. This law was passed due to the prior Act 301 invalidation and should not and will never be enforced. Arkansas should have trusted the judicial system to correct the allowance of artificial abortion until “viability”, as was honorable in 1973, but clearly no longer is. The most vocal, dishonorable, anti-abortion faction refused to wait though no judges or abortionists were killed yet in Arkansas.

The comments by the Governor and Attorney General illustrate political power of the most vocal and dishonorable of the anti-abortion group. This faction will relish these political “*spins*” and rejoice at the political claim by the Arkansas Attorney General, “*the Act, including those portions, will still take effect tomorrow*”, despite absolutely zero providers being affected by the dishonorable Act 577.

This Petitioner realizes the Act 577 injunction is not “directly” related to this case but feels a duty to point out the relevance. There are hundreds of thousands of honorable supporters of Act 301 who feel the human right to abort gestation should be protected as an inalienable human right until 12-weeks pass and human fetal life has begun. Many of these same supporters hope this choice is never made and wish to educate to end professional abortion of gestation instead of either legislate or litigate..

This Petitioner is aware the most dishonorable of the anti-abortion faction may still kill abortionist or judges and die feeling like martyrs. Those slightly more honorable will continue trying to prevent all abortions of gestation and seek a return to the dark ages when abortions of gestation were dangerous and this danger alone usually prevented them. This anti-abortion faction will try various other laws continually and be frustrated continually by honorable United States Courts.

This Petitioner along with hundreds of thousands of honorable Arkansas voters wish safe, convenient, professionally-assisted abortions of gestation continue as a human right for eleven weeks but believes fetal killings must be stopped to acknowledge dignity for the human fetus after human life begins but is not yet “*viable*”, per this Court. Regulation of professional abortion of gestation is a manufactured political controversy this Supreme Court can now end by allowing both Act 301's 12-week human life dignity recognition and the admitted fundamental human right to safely and conveniently abort gestation for 11-weeks painlessly in deference to human autonomy and the progress of science making procreation after both sex, and now conception, be only one option allowed by the honorable application of law(s).

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Respectfully Submitted,



s/ Curtis J Neeley Jr.


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