

In US DISTRICT COURT
CENTRAL DIVISION, FOR THE STATE OF IL
201 S. VINE ST, URBANA, IL 61802

DATED MAY 7, 2011

case # 11-2111

JAMES FRANK OSTERBUR
2191 county road 2500 E. St. Joseph IL 61873
<http://www.justtalking3.info>
Vs

STATE OF ILLINOIS
GOVERNOR; P. QUINN
207 state house, Springfield IL 62706
ILLINOIS DEPT OF REVENUE; James R Thompson center, concourse level 100
W. Randolph st, Chicago IL 60601-3274
IL Attorney general: LISA MADIGAN: 500 S. Second st. Springfield IL 62706
CIRCUIT JUDGE, THOMAS DIFANIS; champaign county courthouse 101 E.
Main st. Urbana IL 61801

TITLED: memorandum and argument

ARGUMENT

EITHER the law rules us all/ or we are not a democracy. That is the simple truth. I come to court asking that the law provided to me in the IL constitution SHALL BE OBEYED. Through numerous filings, the defense fails to make its case/ and then asks for this hearing. They return with the same excuses that are NOT relevant in a constitutional law case/ there are no excuses for not obeying the law/ there is no discretion for a judge to not obey the law, and produce the people's right as their democracy calls for. That means anarchy has occurred in this courtroom belonging to the people of IL. Anarchy being the deliberate attempt to destroy the law of this state; there is NO immunity for that. The purpose being to rule over this citizen rather than producing his guaranteed rights according to the democracy that is this state of IL. The judge thereby believes and submits he is superior to the law/ and need not obey our democracy; but rule it

instead.

The chief legal officer for this state of IL is Lisa Madigan; whose office did provide the vague/ useless/ and errant resolutions of stupidity and traitorous content that were used in this case. Traitorous because there was never an intent to obey the law, by its constitutional guarantee to me. That means by its transgression beyond the boundary that is clearly “our democracy”/ she and or her staff chose to fight against me, and my democracy which is the state of IL. That is an illegal action, a criminal intent to organize with the judge and sustain an action against this people even though it is not only unfair: but completely illegal to do so. With clear intent, and purposeful determined decision/ the law is met with organized crime. There is no immunity for that.

The chief political officer as is the governor of this state; represents the reality of “our elected official” most in charge of being the person who defends our constitution/ protects, and obeys our laws, called the constitution: which means the people rule themselves by this law. That means betrayal, that means subversion and conspiracy with the others involved in this decision NOT to honor or respect the citizens of this state called ILLINOIS. There is no immunity for that.

The chief legal officer (whose identity remains hidden, at this time) for the IL IRS; is responsible as is any other top official for the state of IL. To provide for the people their own version of democracy at the state level provided by the constitution. That means: in terms of WE THE PEOPLE/ there must be an authority exercised over those who have tried to rule us. That means WE MUST, exercise our right to a legal tax revolt: because the contract of our democracy is/ WE RULE OURSELVES BY LAW. Because that law has failed us in this courtroom/ the contract is broken, and the right of taxation by our representatives DISAPPEARS. Until such time as our demands through law have been met. That is up to the IL IRS to establish in terms of consequences so that NONE, are deluded about the cost or the controversy. It is desertion NOT to inform the people when “the others” fail to obey our laws. There is no immunity for that.

MEMORANDUM

Examination of the court hearing: the return of failed arguments by the defense.

MR. GRANT....personal jurisdiction over..

1. This constitutional case is about a personal guaranteed right called redress of grievances. They have no right to bring issue against the constitution itself. The method of proof in this jurisdiction, is a constitutional guarantee.

Mr. Grant... no proper service..

2. The defendant refused to provide the specific names/ addresses/ people to provide process; and all other pertinent information required. They are in contempt of court. And identify themselves as opposed to the process called “due justice” by that refusal. Their complaint is without merit, and discarded. They produced affidavits establishes legal notice: they are summoned. The rules used to describe their complaint, were proven to be errant. Reality states, constitutional law rules this court/ not the judge, nor an excuse buried in irrelevant rules.

Mr. Grant;section 5-211 of the code of civil procedure..

3. Holds no merit towards constitutional law, and guarantee. The very fact that I must sue to obtain my legal right of redress as is constitutionally guaranteed to me: **PROVES** a conspiracy to destroy this **LEGAL** law, by our leaders. There is no immunity for that, and the entire judiciary is proven to be in contempt of the law as a consequence.

Mr. Grant....who may serve process...

4. Again this is constitutional law, and I served process on the court, that my own guaranteed rights within a courtroom of this state **MUST BE GRANTED TO ME**. They refused/ and failed to provide the names and locations of who was to be summoned. That is contempt by the court, in not enforcing my legitimate rights/ providing the power of subpoena for me, to obtain my demand; and disallowing my right provide or fulfill their demand.

Mr. Grant....an amended complaint....

5. That amendment was to provide and acknowledge: the rest of the citizenry of this state **HAS A RIGHT TO KNOW**/ who holds their constitutional guarantees hostage.

Mr. Grant.....proof of service....

6. Functionally assumes that the defendant was not made aware. All evidence is otherwise/ mere procedural rules are insufficient to dismiss a constitutional rights case.

Mr. Grant....administrative review....

7. Although clearly established as a constitutional law case/ and identified as such by me through court documents and demands. The reality that the courthouse and its staff mislabel a case is NOT sufficient cause to dismiss me and my guaranteed legal constitutional rights as a citizen of this state. It merely confronts the courtroom with its own delusions and failure.

Mr. Grant..... leniency to pro se litigants ...seven or eight different cases....

8. The defense offers and the evidence will prove: redress of grievances is withheld from the people of this state and this nation regardless of the fact that it is law. That proves a conspiracy, corruption within the court, and collusion among the judiciary at all levels against THE GUARANTEED RIGHTS OF EACH AND EVERY MEMBER OF THIS SOCIETY. There is no immunity for that. Subsequently, honor and dignity in the court MEANS: AN INVESTIGATION INTO THE CRIMINAL CONDUCT OF THE JUDICIARY ITSELF, is required by law. And within, criminal penal codes.

Mr. Grant.....under the rules....

9. The defense suggests that a constitutional guarantee to me by this state of IL/ is insufficient to establish personal jurisdiction. Even though the guarantee is to me personally, just as it is to each and every citizen in this state. That is the reality of constitutional law. That is the “gift of the state to me” under democracy. You have no case/ and you have proven subpoena power has been achieved by the affidavits you produced. That means I have met “significant due process needs”. Trial continues.

The court...frivolous and patently without merit...

10. The judge calls our constitution names, and produces ridicule of democracy itself: because this is/ these are the rights guaranteed to each one.

Mr. Grant.....pleadings fail to, to state a claim...

11. The defense argues that a constitutional right guaranteed by this state to each citizen “fails to state a claim”. I have distinctly and deliberately demanded: establish redress of grievances for me, and the citizens of this state. How is that not a claim under the law/ it is contempt of the constitution itself, to suggest frivolous or other. A judiciary game, and intent to disguise due process of law; with the words of ridicule so that none will search further in the future.

The court.....okay Mr. Osterbur...

This is an Illinois state constitutional guaranteed right. We address the grievance filed.

D1. I argue this case is not determined by such little parameters as the defense suggests.

The court....what's your grievance....

The constitution allows me to assemble the people

D2. The constitution provides legal rights, for the purposes of a courtroom: to enforce political ones/ to enforce WE THE PEOPLE RULE/ to enforce our authority on those who represent us in this our government of this state.

We want to be responsible for our lives, our state, our society here.

D3. That means more simply redress of grievances provides accountability so that the search for TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH shall be advanced. Thereby allowing us through redress to make the decisions that will become our future, as WE THE PEOPLE.

We want democracy

D4. Or more simply, I the citizen of this state which has guaranteed to me the right of redress: to assemble the people and ask them through a jury trial/ if they will assemble with me as the right of democracy to DEMAND accountability, and then intervene and rule for ourselves this future of this state: because it is clear the leaders have failed us all.

Every legitimate right

D5. Means I have the legal right to ask them and demand compliance as is required by a courtroom trial. They have the right to refuse/ in a jury trial to determine that singular question. That is redress.

The court.....first amendment....

D6. Refused, this is an IL state constitutional amendment/ and a state guaranteed right. Not a federal one in this case.

The court.... don't have the right to use the court....soapbox.

D7. I am cut off from responding/ the judge takes over the courtroom. And denies my right to defend myself/ my constitution/ and my state.

The court....doesn't state a cause of action....

D8. The judge establishes tyranny, because this cause of action is "like any other citizen would present". And if it is not within the ability of the court to understand/ then it is the court that is at fault/ NOT THE CONSTITUTION OR ITS GUARANTEES nor the recipient of that guarantee. The lawyer, and the bar thereby come under scrutiny: as literal rapists and extortionists and thieves. Stealing justice from the people themselves/ TO CHARGE extreme prices for what WE THE PEOPLE gave to ourselves for free. Or more correctly for the price paid to create democracy for ourselves. WE DID NOT do that, to be plundered by corruption in our own court. OURS, not yours, the seat a judge sits in, belongs to us; YOU are the employee/ we are the owners. The law decides/ NOT the judge. That means you trespassed against us. To do us harm, in our time of need/ to defend ourselves from this crisis our employees did cause.

The court.....the remedy is not in a court of law...

D9. The right of democracy is carried out as justice within a court of law/ or the rebellion is complete, and the people are forced to retake their democracy without the court; which is civil war. In a nation filled with guns, that would be a VERY BAD DECISION for this or any other court to make. Let the people decide their own fate/ DON'T make them war against you.

I tell you that NOT because it reflects or determines any decision that I will make/ it is not so. I have proven my method is the courtroom. I tell you because as the court already knows; MANY PEOPLE are becoming angry and frustrated with what has been done to our democracy both state and nation. Sooner or later that anger will vent/ unless the law finds a solution. Therefore find a solution, and let the people have their justice.

"I'm not quite done, sir".

D10. The judge refuses to allow the presentation of argument or evidence/ and decides this case without the proper allotment for my purpose as plainly delivered in filings before this hearing. I AM HERE, TO ESTABLISH AND DEFINE: WHY THE COURT DOES NOT OBEY CONSTITUTIONAL LAW. Due process is quashed.

The court....frivolous and patently without merit, sir”.

D11. Hidden behind closed doors, the judge padlocks the constitution, behind the bars he has chosen to make/ imprisoning our rights, to his discretion.

A blatantly criminal act.

proof of service.

I, James F. Osterbur, do hereby declare that a true and correct copy of this filing titled: **memorandum and argument** has been mailed on this date may 7.2011 by first class US mail with all postage prepaid.

To each and every defendant listed on the first page, with a copy mailed to the district court: at the addresses listed as per each one.