

In UNITED STATES APPELLATE Court
For the SEVENTH CIRCUIT of the UNITED STATES OF AMERICA
219 S. DEARBORN ST CHICAGO IL, 60604
<http://www.ca7.uscourts.gov>

APPELLATE CASE # 11-1639

THE CASE APPEALED: 10-2257 **Judge** David G. Bernthal; presiding.
US district court for the central district of IL/ Urbana div.

**Titled: the legal determination of constitutionally guaranteed: first
amendment redress law!**

**THE REVIEW OF DEMOCRACY IN THIS APPEAL FOR JUSTICE: or
more simply, “do we the people own this nation or not”?**

dated: April 13, 2011

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VS

United States of America
Internal Revenue Service/ **dept of the Treasury**; 1500 Pennsylvania ave NW DC
20220
the Solicitor General ROOM 5614, Department of Justice,
950 Pennsylvania ave, NW Washington DC 20530-0001
the US Attorney General US dept of Justice 10th and Constitution avenues NW
Washington DC 20530
the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

Plaintiffs response: DE NOVO April 11, 2011

The foundation of every judicial court/ appellate court in this nation called AMERICA: is that in terms of subject matter, these employees of government called the judiciary/ **shall represent and obey the constitution of this United States of America as written.** The legal right of every citizen established: as authorized and created within the constitution of this USA. That is the job of every judge.

That is a foundation of law, a fact of sworn oath, and a description of duty that does not expand unto discretion. The judge does not decide/ the constitution does! This is the leniency, afforded any judge in this nation; “great or small”. Your job is to adhere to, and protect the constitution of our government/ by its own terms called: WE THE PEOPLE! Simple as that.

Redress of grievances according to the first amendment of the constitution IS A PART OF THAT LAW/ A PART OF YOUR SWORN OATH TO OBEY, DEFEND, AND PROTECT. It is not a political right/ it is a legal right guaranteed to each and every citizen in this nation: whether they be “great or small”/ same for all. A legal right to demand that when OUR GOVERNMENT/ NOT your government as employees for we the people. But our government; when our employees create: the evidences/ the realities of failure/ the potential fraud and deceit so distinctly visible at this time in the history of this nation, that NONE of the people themselves doubts: WE ARE IN TROUBLE HERE. As is this day and time. Unless you wish to prove the vast majority of people believe all is fine, and we the people need, nor wish to do nothing to save ourselves from what is clearly complete financial collapse. To save ourselves from “the communist takeover” that is government today: **identified in the truth** that a \$3.8 trillion dollar federal budget, DOES IN FACT establish “our leaders” intend/ are spending/ and expect to spend \$38,000.00 per each one of one hundred million people: one in three of us in this year 2011 alone. Or more simply our “leaders” have discarded: let the people choose for themselves/ as is democracy. Establishing instead: “they KNOW BETTER than me, or us all”. Thereby the few determine everything important/ and the people “eat their shit”. Me included as my life has been altered forever, by the fact that not only does the leadership in this government prove to be too inept to identify the problem that this is no longer a democracy. But insist upon threatening my life, and every life on this planet with such things as the gamble that is bringing the same fire as is on the sun here

to this earth. Can't control it, and we are dead/ as a planet and a world. That is a very significant standing in fact before this court. The employees of this my government: have elected/ provided tax dollars/ and all aspects of support to those people who are gambling with my life by such experiments. And gambling with my country by changing it behind our backs: with the fraud that is communism "the few decide/ and the people can be slaves". I am not happy being your slave. I am very "upset" at my life/ my nature/ my world; everything including my planet being nothing more to the "leadership of this nation" than a coin, in a casino wherein IF YOUR WRONG/ we all die. Prove to me that it is impossible "the same fire as is on the sun cannot be established here on earth in this machine". You cannot, because theory is not proof. Prove to me that you can control the same fire as is on the sun here on earth; when that fire burns "atomic bonds as fuel"/ and thereby everything here is fuel; IT CANNOT be put out. And it will eject this atmosphere on earth in less than two weeks. Because the flames on the sun are estimated to be "millions of miles high". How is that NOT my legal concern. HOW MUST I WAIT, until this is proven to be, the end of life on earth.

WHY SHOULD WE WAIT as a people to discover ourselves in a financial depression without escape/ because our "leaders" failed to understand: we as a nation CANNOT live on credit. Fourteen trillion dollars is \$140,000.00 of debts per each and every single one of one hundred million people. How is that not my concern? Did you the leaders NOT hand each and every taxpayer the debt for this? Indeed you did. Did you not as leaders hand over trillion of dollars to banks/ whose purpose is to multiply that money by ten so as to interject money into the economy. Which means: if you give them one trillion dollars/ it then becomes ten trillion dollars of inflation in this nation. Which means if they choose to invest in the stock market instead: buying on margin allows the banks to invest one dollar in exchange for ten dollars more. Which means that one trillion from government/ became ten trillion in banking/ which could become one hundred trillion dollars in wall street investments. HOW IS THAT NOT INFLATION that will concern me in the realities of life as we the people/ INSTEAD OF THE FANTASIES AND DELUSIONS of fools in a paradise of failure and deceit. What is not debt, because it cannot be paid back/ IS INFLATION. And the people need to know what is true or false about their money/ and OUR FUTURE.

Which is exactly why this trial came to be: A CLEAR, FAIR, SUBSTANTIAL DEMAND, for redress of grievances according to the constitution of this USA. Thereby giving to me MY VOTE, on the issues established by jury in court: for democracy as determined by WE THE PEOPLE

instead of you, the employees. You have NO right to steal, refuse, disgrace, or disrespect what the constitution promises to me; and to us all.

I do NOT stand in court to say: let me decide or any other form not consistent with democracy. **I do stand in court to demand:** that as a democracy called WE THE PEOPLE, WITH THE LEGAL RIGHT OF REDRESS by constitutional guarantee. I then demand a courtroom by which WE THE PEOPLE shall decide: if we demand an accounting from our employees: TO KNOW THE TRUTH about this nation and our money. If we demand, that our future as a nation from this moment on shall be decided by ourselves; by vote: because it is clear our leaders have failed us. If we demand threats against our lives and our future shall be dismantled, until we have had our own say: deciding IF YOU can indeed gamble with our lives and our planet, our nature or not. Because it is a life or death decision; it is absolutely our right to decide. And whatsoever else, the juries called upon in each state: IF the initial jury accepts the premise that we must intervene for ourselves/ instead of these leaders. Because that is the law, called democracy by the terms of redress. **And you know, this is what I demand: without the slightest doubt or ambiguity.**

So the question is: WILL YOU OBEY THE CONSTITUTION/ WILL YOU RESPECT DEMOCRACY AS WRITTEN BY THE CONSTITUTION/ WILL YOU SUBMIT TO YOUR SWORN OATH? Or become a proven traitor. Because that is what rebellion against the constitution, this nation, and its people; means. It's a choice/ make your decision.

This is a constitutional trial, directed against the judiciary themselves: because they have conspired to remove redress of grievances from this people/ and deny the constitution thereby. This is a demand against the judiciary to obey the law, or face the penalties of law; as the people themselves decide. Because as a democracy WE ARE IN CHARGE/ not you. That too is a fact and foundation of this nation called America. That is a fundamental trial involving article 3 of the US constitution: *“the judges, both of the supreme and inferior courts, shall hold their offices during GOOD BEHAVIOR”*. Because if it ain't good behavior/ then it is imminently expressed or understood, that you the judge; have no right to pay or compensation in any form/ but are subject to the penalties of breaking your oath. Further under article three, section 2. 1 *“The judicial power shall extend to all cases, in law and equity, arising under the constitution of this USA”*. THERE IS NOTHING more fundamental to law, than a judicial case demanding a guarantee of the constitution itself, to me, and to every other citizen in this nation. Which makes this case fundamentally include: ALL CITIZENS in this USA. NO

exceptions, because there has never been a case established for redress of grievances in this nation/ proving conspiracy against the people's constitutional guaranteed right. **That makes this a trial against the assumptions of "the United States of America" as has been established as the employee definition/ and dissolves the sovereign immunity of a nation on trial, because it failed to deliver the guarantees of that constitution to its people.**

As to the defendants themselves: they now choose to appear by name. Consequently, instead of "office holders, in government" they now become true and literal defendants; coming to trial to defend or establish their right to lead this nation by adhering to the people's demand.

Redress of grievances WILL demand: based upon the initial trial and all others following it, if chosen as the will of this people to do.

That the president shall orchestra and identify all aspects of accountability, for the people themselves. He is the leader, he has the position to authorize and create adherence to the people's demand. That is his job/ and the reason he is a defendant: because the courtroom requires the opportunity to enact relief. Without the necessary employees to establish the outcome of trial, a judgment for the people is mute. Therefore we need as a people: the employee Mr. Barack Obama as president to establish the work required for a complete financial accounting of this government called the USA.

The attorney general of this USA, Mr. Eric Holder represents the legal force to implement and cause to exist any and all penalties as may arise against those who would dare to perjury/ lie/ deceive/ or in any way commit fraud against the people of this United States in the translation of their duties: TO ASSURE that the people themselves fully, and literally DO UNDERSTAND. That is his job, as the enforcer of what is intended to be "absolutely fair and truthful, for the purposes of this legal entity called the USA". Therefore we need as a people: the employee Mr. Eric Holder, attorney general of this USA to establish the work required for a complete financial accounting of this government called the USA. By legally being responsible for any and all aspects of punishment carried out. Therefore his job is: to "check and verify" every presentation of evidence by all means at the disposal of the attorney general of this USA.

The solicitor general of this USA Neal K Katyal: does represent the legal agency responsible for sending attorneys for the purpose of defending the legal interests of this democracy called WE THE PEOPLE. WE PAY THEM, and they represent us, WE THE PEOPLE of this United States of America. Let the

defendants get their own lawyers; these are ours, and they shall represent this people called America/ BUT THEY SHALL NOT represent me, I stand on my own. Therefore we need as a people: to establish the work of legal counsel for the purposes of democracy as is required for a complete financial accounting of this government called the USA. That is the job of this solicitor general Neal K. Katyal; that is the purpose of his employ. That is why we the people pay: therefore DEFEND US.

The internal revenue service is established here because the employees of US government have made it clear, in trials past: unless there is money involved, NO RESPECT will be given. Granting that truth by the standards of society, and the power of true democracy: OUR AUTHORITY AS WE THE PEOPLE, is established by our control over the money. Therefore until this matter of constitutional right denied: is resolved, as trial. The fundamental foundation that is a contract unfulfilled before the people of this nation demands: YOU SHALL NOT be paid/ until you do establish this trial in its reality. That is democracy established. The rule of we the people becoming: “a truth that will not be denied by our employees”. Therefore for the internal revenue service James A. Lewis: this employee is called upon to testify: Distinctly describe by the numbers and the facts created in relation to “the taxes” brought into this trial/ the evidence of redress denied as they do represent. By Osterbur, **explaining exactly: what you shall or shall not attempt to do; to each and every taxpayer that shall seek to enforce his or her own democracy, therein authority over government by vote. Through this legal tax revolt.** You have failed to uphold the contract of our constitution/ and until you do, we owe you not. It is OUR government/ not yours. “YOU” are the employees, by the job you took! It is our right to know/ because it is our nation, and none shall be attacked.

Regarding the defendants statements in this “new trial”.

Page 1. A non-final order of the district court is now mute/ as the appellate court intervenes with de novo trial. Dismissed.

Page 2: the short and plain statement as provided by the pleader has been established in his objection/ and unless the defendant wishes to dispute the facts therein applied as statements to be contested in that foundation of short and plain: his defense is argumentative and without substance. Dismissed.

Premature filing is irrelevant in this hearing, without substance. Dismissed.

The exercise of jurisdiction only over final orders is irrelevant in a de novo trial. Thereupon dismissed. What don’t you understand?

Employees may not consent to review by the owners of the nation/ they are bound by oath and substance of payment being made for a particular act or function being established by the employee for the purposes of the owners. It is an inherent right of contractual law. And you are paid, for the distinct purpose of adhering to the commands and purposes of the constitution of this USA.

MAKING YOUR POSITION IN GOVERNING OUR LIVES, a distinctly contractual event. We demand an accounting within the terms of redress, as the constitution allows, because it is OUR RIGHT to do so. Therefore complaint is dismissed without substance or merit. We are the owners, not you. You are the employees, and we do have rights.

I have a right to file within 3 days. Dismissed argumentative, and without substance.

Page 3: The meaning of the word jurisdiction is: “the power or right to hear and determine the legal consequences of a complaint based within the law”. The foundation of law is the constitution and this case is built upon the guarantees of that very foundation of law, upon which the court has refused to act, in direct defiance of democracy & constitutional law. Fully knowing that is true/ therefore a deliberate act. The foundation of this case is: grant to me/ to this nation REDRESS OF GRIEVANCES. THAT foundation complaint requires NO adherence to the rules of a courtroom/ because the constitution overrules all other subsequent rules or laws. There cannot be an excuse or consent by the employees not to obey the constitution of this USA. That is treasonous against this people, and a definable penalty under the rules of sworn oath: taken by the judiciary. The power to hear and enforce, the law which controls every courtroom is absolute/ you cannot refuse. The fact that this subject matter involves each and every member/ citizen of this entire nation: proves there is no escape. The courtroom is mine. Consequently defendants complaint is dismissed.

No precedent is applied/ the district court dismissed: when the appellate court turns to de novo and rules on its own authority; as you have done. Dismissed.

Page 4. “Osterbur timely filed his objection”, page one this filing. Your words. Nothing is waived.

The lie, no valid claim for relief exists; discards the demand for redress of grievances, and destroys the authority of the constitution of this USA: which is established for the sake of the people. WHEN UNDER REAL AND TRUE DURESS, as is caused by their employees in government position. I have stated: my very life is threatened by those who gamble with a theory that literally can

destroy a planet. A fact of machinery existence created and paid for by government leaders. How is that not worthy of “the people’s vote”. I do not say you can’t/ I say WE WILL VOTE on this gamble for ourselves. Which is the purpose of redress. I have stated, as is clearly the facts of this day which need no other evidence: that we are being robbed, each and every one; but the few “rich” who get our money from government leaders, and then buy our foreclosed property and businesses (our jobs) with stock market ease; stripping away the lives we built, the nation we created as this people called AMERICA. We get the debt/ we get the depression/ we get the bankruptcy: and the wealthy through our government leaders go not only free of their mistakes; they steal our world. As is consistent with the descriptions: that total wall street sales including derivatives for 2008 were said to be in the hundreds’ of trillions of dollars. WE WANT TO KNOW. I demand to know just how many dollars there are, because inflation matters to me/ to every child/ and to every future, including my own. No more lies: I demand the truth in accounting in all forms and definitions of money represented by the authority of this USA government to know. We are the owners. We have a right! REDRESS ESTABLISHES TRUTH/ that is its purpose. So the people and I can decide what is in our best interest and future, by vote among ourselves. NOT a vote for someone to vote for me. Rather true democracy instead. My vote, on the primary issues to be resolved today, myself. Not another voting for me, MY VOTE, for myself is relief, for your failure. Limited though it may be.

Page 5 The interpretation that Bernthal determined it was not necessary to consider the defendants additional arguments, that I failed to establish a waiver of sovereign (undeniable right) immunity is a lie. It is the constitution that governs this nation. Therefore it is the constitution that is the government of this nation; OUR AGREEMENT as defined by acceptance called WE THE PEOPLE. That constitution remains inviolate/ but the actions of our employees who have not done as the constitution demands in terms of redress of grievances is not. The joint participation between our government which is the constitution and our employees who are paid to do the work we contracted them to do: has proven to be in violation of the authority to which we the people as owners of this democracy approved. That means: it is the joint aspects of participation, that are being questioned in a court of law here/ not the constitution/ but the participation of our employees in NOT obeying the constitution as you are sworn to do, under penalty. Which means by all accounts: **if you can be penalized by failing your oath/ then you are certainly NOT IMMUNE.** From accountability by law, and

the people you swore to serve. We are in desperate trouble financially and with threats from all sides that literally can destroy this nation. Redress is upheld.

The defense argues: relief should not be granted due to the following statements.

1. Federal employees do not perform the work. That asserts simply WE CANNOT be so far in debt/ cannot have so many problems in all area's of governing as we clearly do, when the federal employees actually and properly: **DO the job** for which they were hired. Is that not a fundamental fact of business? You failed/ therefore someone else must and will take your job.
2. Federal employees are not owed money or salary. That asserts, even though the laziness and apathy and greed that is so apparent in this body of employees (both now and in the past)/ do they not have huge salaries when compared to the majority of individuals in this nation?. Rather they are not owed because they have refused the constitution, as is established in redress of grievances. **THAT IS**, "a traitorous act". Why would anyone pay a known terrorist to destroy the nation itself. Is that not anarchy!
3. The declaration of independence has been thrown in the trash. That asserts, all the pain and suffering of every soldier/ the sacrifice of every family/ the needs fought for, and life achieved because: we fight for our democracy. Is dissolved by those employees who have chosen to believe "they know better than us/ they shall be kings over us: **OUR RULERS**". Instead of our employees. Instead of as democracy creates: **we the people rule ourselves** by the law we create. You do not rule us/ our constitution rules us. And you have failed to respect that bond of we the people as this nation.
4. Representatives are disrespectful. That asserts, that our lives are worthless, a tragedy unfolding/ because our nation has become their toy, instead of our hard work and sacrifice.
5. The people owe federal employees nothing. That asserts, **UNLESS YOU OBEY THE LAW**, you are guilty of the law you disobey. As thieves of our basic guaranteed constitutional rights called redress and more. The foundation is laid for a legal dispute and criminal consequences: to be determined as **WHAT DID YOU STEAL/ LIE ABOUT/ OR CHEAT US FROM.**
6. Osterbur's 2005 taxes are unpaid. That asserts, contrary to the purpose of democracy; I have been turned away from the courtroom many times, because I did not make it a cause related to money. Simply working for the duty and good of this society is not enough. And that must be changed. It is denial of **WE THE PEOPLE**, and this **OUR** government as we define.

7. Taxes shall not be paid. That asserts, until you have accomplished what the constitution of this USA as written and guaranteed to me demands is my right to receive as any other member of this society shall expect. NO TAXES ARE OWED, because you have disgraced and discarded your sworn oath/ and denied the contract under which you are employed. You the employees have taken far beyond what was allotted to you: do you not have “government pensions, securities, and healthcare” as separate from the rest/ how many more? Why should I pay for criminal actions/ GO TO PRISON instead. Does not the bill of rights section 4 prohibit that very thing? Is it not a legitimate founding document, thereby an expectation taught to the people as their government in action?

The failure to understand by the defense is not cause for dismissal/ it is the discovery of “unlocked doors” by the plaintiff; entitling society to better, and demanding these employees shall do their constitutional duty.

Page 6. The conclusions of each founding document as are the constitution, the bill of rights, and the declaration of independence are literally guarantees, “that I should expect and demand”: this from those who are employed for the express purpose of making them come true.” Democracy enforced. Is a complaint that demands relief from those employed by the people, FOR THEIR WORK AND RIGHTS. Rule 8 is dismissed.

The scrutiny asked for is then this: you the employees of this government called the USA having failed in all aspects of financial responsibility, are now called upon to legally declare what you have done to this nation: by full and truthful confession of the exact nature of what is owed/ what is printed/ what is sold/ what is promised/ what is thrown away/ what has been done with every single dollar, that belongs to this United States of America. Because WE THE PEOPLE, do not trust you anymore. That is a very real and distinct part of this redress of grievances trial, this demand for restitution/ this decision NOT to allow delusion or fantasy or cheating or lies, or outright theft, to damage me or this nation any more. If it is proven that you lied, if it is proven that you stole, if it is proven that you conspired or corrupted or intentionally failed so as to betray our own grip on the nation itself. Are there no penalties for that? Let the people decide.

The cause of action IS JUSTIFIED: by simply reading the preamble to the US constitution/ YOUR instructions as to the job, the goals, the duties, and the responsibilities for being employed as representatives of this people called the USA. Again it reads:

we the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America. As a fact of life, this governing body of leaders, and those from the past, have fallen so far short of the truth that is intended to be DEMOCRACY for this people. That a true and accurate case defining this nation as communist can and has been made. Because you stole our money, our authority, our decision, and our duty to choose for ourselves/ and therefrom chose to make yourselves kings over our lives. Making us dependent upon whatever you decide to do/ instead of ourselves. A fact that is nothing less than a direct and determined rebellion against democracy itself. We rule/ you do not. A lesson that must be relearned/ a reality that must be changed to return as democracy, for this nation. We the people are inherently guaranteed that such things SHALL NOT happen here. The fact it already has makes this a trial, that cannot dismiss or discard or disrespect this people: THEY HAVE A RIGHT, to participate and accelerate their own truth, in justice. Here in this courtroom demanding democracy, shall be real. That is not “threadbare or elements of a cause of action”/ that is the foundation created as democracy: WE WILL RULE OURSELVES, and you the leadership have failed us. Therefore I/ we demand redress to fully and completely understand, “the damage that has been done”. The constitution provides article one section 9, item 7: that a true and accurate statement of accounting shall be published from time to time regarding the nation itself. No such accounting exists. If you say it does/ then it is up to the attorney general Eric Holder to prove that it is indeed correct: or be subject to the penalties that lying, cheating, and stealing from the people of this nation do demand. Every aspect of financial information shall be given over to the public for their own inspection/ and that includes the military: WE ARE THE OWNERS HERE, we demand everything. WE DEMAND THE TRUTH, or someone is going to pay the price for subterfuge, and betrayal. Section 8. Item 6 to provide for the counterfeiting of securities and monies of the USA. In the matter of wall street and its dealings with “margin” the creation of money used as a currency of this USA/ but by no means valid in terms of being created under the authority of this USA. The surge in counterfeit claims of prosperity, the rise in asset value: without substance or direct connection to actual property or value. The falsification of pension and welfare expectations: ALL CONSIST OF THE REALITY CALLED, “COUNTERFEITING” in this USA. Without truth applied, the money becomes a game/ and the people become swindled by those

who have no right to assume “the coinage of money”.

In article 6, section 1; quote “all debts contracted and engagements entered into,shall be as valid against the USA” which fundamentally means, “the congress nor any member in government employ”: has the right to create debts which cannot be paid. As these the current and past members of our leadership have done. Prove the debts can be paid/ or it is inflation: the deliberate deceit of a nation called we the people; A LIE USED to allow the rich to consume our very property and lives, by giving them “excessive, inflated numbers, to use against us as money”/ while leaving us, the workers/ the soldiers/ and the children of America with nothing but debts and bankruptcy. Prove it is fair. Our leadership has stolen the value out of our money/ the value out of my money, the purpose out of making money as it has no value left do to your inflation. That has altered my life/ changed my existence/ wrecked or altered my reliance on work, because the numbers of “printed money, without substance”; thereby not only a lie/ but counterfeited by this my own government: must stop. 14 trillion dollars is just federal debt. I demand to know the full debts and realities of this nation: and that includes all debts. That includes every state/ municipality/ county/ township/ school district. Every personal debt/ business/ banking/ agricultural/ industry/ university/ military: etc/ etc/ etc. A full and complete picture of the reality that is America today. As the constitution demands: you shall create and certify as accurate, to the best of your ability. NO HIDING, NO RUNNING AWAY; the whole truth, and nothing but the truth. We are the owners, and we do deserve to know. I as a worker, NEED NOT be forced by life: to work for what has NO sustainable value, because that is SLAVERY. And the thirteenth amendment forbids it. The fact, that falsification of debts, the intentional lies that hide the truth about how many “dollars in debt we actually are” can rob me of every single pennies worth of value in the money I collect/ at any moment in time. Proves I have been a slave, not because I chose it/ but because you, the leadership stole the value out of the money with your ways. Stole democracy, “we the people shall decide”/ by pretending YOU know better. LIAR, has been proven true. Redress of grievance returns truth to me, establishing a foundation by which we can begin again. Not justice/ but reality. Not delusion or fantasy/ not swindled or lies: simple truth, by which I know my work is not in vain.

Page 7. The relief sought is established, and simplified: stop making me a slave/ by stealing the value out of OUR MONEY. Its not yours, unless you earn it. Its not earned, IF YOU STOLE IT. What don't you understand, be very specific. The relief demanded is redress of grievances: SO WE ALL KNOW THE

TRUTH, and thereby shall make our own decisions, define our own future, and establish democracy as it was intended to be.

The defendants claim of incoherence is dismissed, with prejudice. The right to print money does not exist as the right to give to the wealthy every opportunity to redistribute OUR WEALTH, to themselves: using inflation to which we the people are not entitled to receive in the same way. We are given the debts/ while the wealthy are given inflated dollars/ their debts are discarded and denied/ and every influential “political wheel is greased” at our expense. Taking from us our very government, as is so clearly obvious in the fact you the employees of federal government now spend \$3.8 trillion dollars in this year. Or \$12,300.00 per citizen in this USA. DID I GET TWELVE THOUSAND THREE HUNDRED DOLLARS? No, and I want to know, WHERE did this money go. You have changed my life to get it/ affected and altered my future and my past to destroy the securities of every working American. WE want to know, WHERE IS THE MONEY! Or more simply who stole my working life.

The internal revenue service is granted: THE AGENCY WHO TRACKS THE MONEY in this government. That means, when the question is asked: WHERE DID the money go/ and who got it. IT IS the IRS that reality expects to find the answer. Its your job. Its our money, because this is OUR NATION/ therefore GO and do the job we hired you to do. And certify your results, so as none shall escape. WE THE PEOPLE, ARE THE GOVERNMENT through our constitution. It ain't the employees, its us. We have sovereign rights as guaranteed through the constitution as the owners and rulers of our nation by vote, through ourselves by the law which the constitution represents. We have not waived our sovereign right to know what has happened to this government/ to our democracy/ and to our future. We demand our authority, we establish our sovereign right to be informed by true accounting of the facts. We the people: are not a sue-able entity, because we are the owners here/ and you are the employees: that means you are sue-able here. Because we had a contract with you, your sworn oath to obey the purposes, laws, guarantees, disciplines, and respect required of you by this constitution OUR AGREEMENT as a people.

Page 8. Redress of grievances is a democratic authority of the people/ by the people/ and for the people granted and guaranteed to this people through the constitution. The court well knows, that to establish the RIGHT OF THE PEOPLE, TO HOLD THEIR OFFICIALS ACCOUNTABLE FOR WHAT THEY HAVE DONE. There shall be those who represent the employees of this, OUR government over you. That is not suing them. That is demanding the legal right

and authority, to enforce: they shall do this work for the people of this America/ by establishing the decision of what we the people shall require. That is how a constitutional guarantee works, how an action defined in a courtroom of law is established. Or more simply instead of our “ruler”/ you have become the worker for us. Simple as that, enforced by oath, to protect/ serve/ and defend the constitution of this people, this USA. You have no choice, it’s the job you took.

Bivens is irrelevant and dismissed with prejudice.

The government entity is the constitution/ by joint tenancy, it is the employees of that government entity that are charged with fraud, lying to the nation, shared swindle against this people, and theft of the value established by the people in their money/ taken by inflation. Hidden by debts. And conspired by the cozy relationships of money and power to steal the property from our hands. Those who allowed the financial institutions to create fraud/ allowed the banks to be “too big to fail”/ allowed the endless printing of money/ sold our resources and properties to foreigners thereby hiding the truth about what they had done. Sold our future/ sacrificed every child, to say “look at me/ vote for me; today”. And so much more. Redress is an accounting of the facts/ a picture clearly drawn of our reality, and the destiny called our future. Redress IS THE LAW. I demand it shall be given to this people as their government, “the constitution of this USA” guarantees to me, and to each one. It is a liar and a thief/ a traitor by any other name: who stands in the way. Our nation equals, our right to know/ and to decide. As an employee, YOU HAVE NO IMMUNITY, from the investigation of criminal activities: each and every one, employed by this people. Let the people decide, who goes free.

Page 9. These defendants do establish the functional representation of those in government employ, both past and present, WHO DO have a say in what leadership is, and does in this USA. That fact alone, establishes the legal concept of a duty/ the legal reality of an oath/ and the fundamental right of a people to identify and demand of our employees: that you shall be accountable to us. There is no place to hide, because this is the job we pay you to do. TO BE ACCOUNTABLE, to us/ each one.

Democracy means: WE THE PEOPLE RULE BY LAW. Democracy does NOT mean: we the people are ruled by those we elect or provide to do the work, or make decisions, NOT in our best interest as a nation. Defeating and destroying the value of our currency. Defeating, destroying, and attacking the property rights and values of this people by hidden inflation and lies about the reality of debts that cannot be paid so as to amuse yourselves by playing king, or transforming the

nation into communism; as is consistent with a tiny few control all the money and all the decisions, IS NOT DEMOCRACY. Which means there is treason and betrayal going on; intentional or not. Our constitution demands that we MUST protect this nation ourselves, when it is clear that our very way of life is being attacked. That attack has come from within, from the leaders, and the realities of a courtroom in absolute rebellion of the constitution and its redress of grievances. That attack must be stopped BEFORE the nation collapses into garbage and civil war. That attack stops now, with a true and real accounting of what are the facts/ what is our future/ and what does reality say about the options truth will provide. None of that is provided to us by these leaders, or other employees; because they refuse to face what they and the past has done. They hide/ and redress says to you: “open the damn door/ and turn on the lights, so we can see for ourselves how bad this is”. And choose as a nation, what our future will be. That is redress. It is the law. And I am here demanding that law shall be upheld, as guaranteed to each one, including me. There is no substance in the attack of the defendant to say: that this courtroom has no jurisdiction to enforce a constitutional guarantee. There is no substance or merit in the defendants claim of immunity against the guarantees of a constitutional right expressed and provided in law: being demanded by this citizen. There is no rule/ statute/ or law, that allows the court to discard and disrespect the constitution or its guarantees. Instead as a citizen guaranteed redress, I am immune from the excuses or denial that have existed in these “diseased excuses” being used by traitors in their efforts to deny this democracy and this people by thwarting their own constitution and its values.

Page 10. There is no sovereign immunity for the nation/ no sovereign immunity for the leadership or employees/ and no sovereign immunity for the people themselves to deny or discard constitutional law. It is the law/ redress is a guaranteed right. That means, ANY attempt to deny or disgrace the law of this nation, or destroy its meaning in irrelevant dialogue or excuses is an act of intentional betrayal.

I need no basis for waiving sovereign immunity of an employee/ it does not exist for you. The constitution decides.

The United States as an entity has no immunity either: I merely demand they produce the guarantee they committed to me. I merely demand the law, the UNITED STATES claims SHALL exist for each and every citizen. Those who suggest otherwise are liars. Because redress is the law.

The issues of taxation/ are not about money. The reality of the IRS, consists of the agency entitled to collect money for the purposes of the people. The

purposes of this people DOES NOT include the denial of our constitution/ the refusal to administer guaranteed accountability through redress/ the threats, or gambles; that can make all our lives extinct/ the theft of value out of my or our property with debts and inflation/ the hidden stealing that inflation represents, when it is called a debt but cannot be paid. EACH; 1 trillion dollars is: ten thousand dollars per each one of one hundred million people/ one in three of us. You have no right to bankrupt us. You have no right to hide the truth from us. You have no right to lie/ cheat/ or steal from us, as reality suggests criminal activities against this USA have been going on. You are not rulers over us. You are not allowed to bring religions into government, or a seemingly endless amount of graft and corruption as is in plain view. WE/ I want justice, through accountability and redress to establish WHAT IS TRUE. Simple as that, because it is my right under the law/ you cannot refuse; without betrayal of this people. Choose traitor or servant; either way, ruler no more. To accomplish that demand of democracy: we must take control over our money for ourselves, as a people. Under redress, which means strictly for the purposes of re-establishing ourselves as owners of this nation/ as rulers of ourselves.

Page 11. I have standing to do this, for me and this people: because the constitution guarantees to me redress of grievances. It's the law/ prove me wrong. Article three allows the judiciary to serve and be paid; **ONLY UNDER GOOD BEHAVIOR**. It's a condition of the job/ prove me wrong. That servitude requires you to accept constitutional guarantees as a matter of right that cannot be dismissed/ prove me wrong. That is a legally protected interest/ prove me wrong. That is concrete and particularized, an actual law: NOT a conjecture or hypothetical situation, it is constitutional law/ prove me wrong. My life is being threatened. My life has been changed due to the realities you have inflicted by believing in fantasies and delusions/ misfits and ignorance in the form of experts without any common sense/ failures and fools; as is clearly evidenced by the truth of where we are as a nation today. My future has been changed by you and your corruption, both past and present. My property in terms of money or possession or inheritance has been badly damaged by you in the tragedies of what has been done with the money, and endless spending as fools do. My nation is on the brink of collapse/ depression/ and civil war do to the damage our leaders have done. The tragedy of democracy lost, by rebels refusing to obey their oath to serve, protect, and defend the purposes of the constitution as declared in its preamble. You are failures/ the end result of that is an accounting to see in truth: what is left/ and what can we do now. That is my choice/ our choice. Because this leadership

present and past HAS CLEARLY FAILED. That is my choice, because the law called redress allows for democracy: we the people to determine for ourselves, what comes next. That is my choice, one vote among us all. Simple and plain, WE DECIDE the future/ because you failed. That is democracy, OUR RIGHT as citizens in this nation called WE THE PEOPLE.

The threshold jurisdictional question is: DOES THE CONSTITUTION RULE THIS NATION, or not? It is that simple. Because a citizens right to redress/ as guaranteed by the constitution to every citizen here: is the only question presented. There is no substance to the claim of “ultra vires”/ I demand the law shall be maintained and established. It is the court who refuses the law/ thereby granting the claim, “YOU are acting in ways that exceed the limits of your authority”. This case, and my demand for redress are well within the powers and scope of constitutional law/ THEY ARE THE LAW.

Page 12. YOU have stolen the value out of my property/ the value out of working for a future, that would be dependent upon dollars, that no longer have substance; therefore to accept that delusion is to accept slavery instead of a value that can influence my future for me. You have succeeded in threatening my life with experiments that are INSANE/ because when the fools are proven wrong; life is dead. You have exceeded your authority in creating debts. You have lied about your accounting by hiding inflation in debts that cannot be paid. You have stolen the property of workers by providing “free money: inflated dollars we are not allowed to have”/ thereby stealing our work, and our lives by choosing the “rich” over us, and giving them the power to redistribute our own wealth to their coffers. You have established wars, built upon foolish and stupid demands. Or more simply “ THE LIST of your failures is long”. Accountability is due/ and want it or not, WE THE PEOPLE must intervene, as the law of redress allows and proves: that we are, “A democracy”. We will now decide as a people, through redress and the truth found. Criminal consequences shall be redressed/ criminal thefts shall be challenged/ and absolute failure shall be resolved: because we must.

There is nothing “generalized” in that statement. It is absolutely aligned with the truth and purposes of DEMOCRACY ENFORCED, upon those who have taken control of our lives as rulers would do. This is an action taken under the law of redress to remove such rulers/ and re-establish this nation under the terms for which it was created: WE THE PEOPLE RULE OURSELVES, with law. That law, on this day is: redress of grievances. Let the evidence decide what is true. This case is simply about redress, the demand for accountability from our government employees: but only upon the outcome of dedicated trial, for this

specific purpose as will be determined by the people themselves. Let the people decide; redress is our law/ NOT yours, you are the employee. We, are the owners.

You changed my life, you changed my past (because all this damage was not hidden/ and the courts refused redress when it would have made a difference: the evidence I tried, exists), and you changed my future: because the leadership both present and past chose fantasy and delusion; live and breathe excuses rather than facts/ spreading lies instead of reality. Only the truth survives time: therefore it may be said your actions seek to kill us all. I am demanding: NO MORE GAMES, with our lives. No more fantasies. No more delusions. No more lies. No more excuses, reality by its truth must decide. Therefore we the people who do own this nation, MUST HAVE the facts so we can understand what is or is not true. As is demanded here.

To deny me the law as is redress. To deny us all the law of redress, as a nation/ because there are no cases for precedent; IS CONSPIRACY TO DENY by the judiciary. It's the law, a constitutional guarantee; which means there is NO discretionary authority for you to exercise. Proves article 3 exists as the demand: Those who disobey the law. Those who disobey the nation. Those who refuse their oaths of office. Those who corrupt and conspire against this democracy. Those who are entitled to make these rules as is the true leaders of the judiciary that form the reality of laws that will be served as is the US SUPREME COURT. MUST Come under deliberate review, to ascertain and develop the truth about who betrayed us all. Article 3 goes on to say the courtroom is the place: where all cases in law and equity shall arise under the constitution. The law has been denied to me, the law called redress is under attack here in this trial. The equity of an entire nation has been stripped from them by debts/ thefts/ lies/ and cheating as has developed through the employees who claim to lead, protect, and serve but do not. This trial DOES SERVE the purposes of article 3, and shall not be denied. The charge is betrayal, the act is treason against me and this nation.

Page 13. This trial is about law, the constitutional guarantee that gives to me, the right to establish a legal means to determine as a people for ourselves: a vote of NO CONFIDENCE in our leaders. Thereby insisting upon an accounting so that the truth of our reality can be revealed. So that nothing, can remain hidden from our views as WE THE PEOPLE of this nation called America. That should not require endless excuses constructed for the singular purpose of denying what is guarantee to me by the constitution. BUT IT DOES, require that the majority of people shall agree, that this is necessary; and our employees must do so, as we the owners shall demand. That trial, should be consistent with the purposes of the

constitution. That legal right to contest the leadership of our employees, and identify what is true regarding our future and our reality in this day: IS THE LAW. The failure to abide by the law, is treason; when the conspiracy to deny the guaranteed rights of this people is from the judiciary, and supported by the employees who identify the legal rights of our constitutional rule, as a nation called democracy. That is not a generalized action. This is a matter of constitutional right.

My jurisdiction: my right to establish a constitutional guarantee to me, within a courtroom of law/ as provided by this nation for that distinct purpose TO ME. Is undeniable. The right of the people themselves to deny my complaint: that we must have accountability and truth from these leaders/ these employees/ and the law obeyed, a future decided for ourselves. Is up to them. My legal right to ask: for a formal, clear, and specific accounting of those employees who do represent the physical form of government over the nation that I live within, and the laws I am required to obey/ AS ARE THEY. Is clear/ because that is democracy established. That is WE THE PEOPLE rule ourselves, by ownership through constitutional law. Because we do, have the authority to bring our leaders under critical legal review WITH THE LAW/ rather than by guns, as in a civil war. Or more simply redress is the pressure relief valve, that protects the nation, when turmoil is imminent and destruction is a valid claim “we must extinguish”.

Page 14. There are no inferences to be drawn here. The law says: I AM GUARANTEED the right of redress in a courtroom of law/ before this people who shall then judge for themselves: IF ACCOUNTABILITY SHALL STAND. That is democracy/ and if the legal guarantees of democracy do not stand. Then it is democracy no more. The evidence of this day is: that our democracy has been invaded with thieves, liars, and worse. Thereby it is my intent to ask and demand within a courtroom of law so that “the truth, the whole truth, and nothing but the truth” SHALL present the information we do desperately need. And the nation shall then speak for itself; as owners/ NOT slaves. As a people freed from the tyranny of those who stole our money, to give it to themselves, and their cohorts for providing the funds, the power, and the pride of getting them elected in contrast to what is: WE THE PEOPLE UNITED.

The act of a legal tax revolt, is fundamental to the proof; “we have had enough”. As does the declaration of independence prove. The trial of redress is not an injunction against taxes/ it is a demand democracy MUST RULE here. The right of the people to know, WHAT IS TRUE; is fundamental to all assumptions of justice. Thereby this court hides in the closet/ pretending it ain’t an act of

cowardice; to assume it can walk away from reality. I demand democracy shall be enforced/ as written within the constitution, and for those distinct purposes of a nation called WE THE PEOPLE. Simple as that. Whose side are then, “you on”?

Page 15. As is consistent with the words of we the people of this nation declaring for themselves a right/ even an individual right, to demand the law guaranteed for themselves shall not be dismissed from the courtroom. The fact and fiction that this attorney claims “difficult to understand and comprehend” constitutes if not a lie/ THEN IT IS CLEARLY AN ACCUSATION of the courtroom/ the legal profession/ and the judiciary: that you no longer represent the public. But rely upon an irrelevant and purposely arrogant form of conversation dedicated to keeping the people outside their legal right to call for justice in their own words. That means you have usurped your authority to achieve justice for the people. That means you have created tyrannies within the courtroom of this America; intentionally denying to this people their day in court; UNLESS they pay you extortion. That means the betrayal of this people by their own judiciary and legal system is wide spread and corrupt. Without the right to be heard, IN OUR OWN LANGUAGE, the language of our own nation; as we live it ourselves; is a right that cannot be denied. Consequently redress includes the demand for accountability from the judiciary; and accesses the truth about what is justice in this land or not. Underscores the assertion of “courts read complaints liberally and accept as true the well pleaded allegations of the complaint and the inferences that may be reasonably drawn from those allegations”. Thereby, the review for simplicity begins on the various trials that this plaintiff Osterbur has presented to the courtroom throughout the years, and asks the question: IS THIS AMERICAN JUSTICE? WHAT is the truth?

CONCLUSION

the defense suggests: “...believes he is automatically allowed to have a trial and contends that the constitution grants redress of grievances for the people of this nation”. THEN states: “However, it is not the duty of the court to scour the record looking for evidence to justify the survival of a complaint.”

I the plaintiff quote the first amendment of the US constitution: “*congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for redress of grievances*”.

THEREBY, I come in the legal consequences of a guarantee to me and

every citizen that cannot be subjected to ridicule or any other form of derision; by this government or its employees, judicial or otherwise. It's the law/ or this is not a democracy anymore.

NO DEMAND is made for the court "to scour the record, or look for evidence". That is not the law. The law is I have a right to peaceable assemble the people of this nation, by their acceptance, and petition the employees or leadership for accountability and truth; as is the definition of redress of grievances". That is my legal right, and I do demand it.

During the process of acceptance by this people, WE ASSEMBLE the truth of what shall be answered by our employees in government work. Because we are the owners/ and this is our democracy: our employees by oath and the acceptance of their jobs, DO guarantee to us acceptance of our authority over this nation. Just as democracy states: WE THE PEOPLE shall rule ourselves, by law, according to constitutional mandate, and within the jurisdictional outlines of the founding documents called the bill of rights and the declaration of independence. That is, the foundation of this nation as a society.

It is our employees who shall search for the evidence to present to us, their findings/ being responsible for the truth of their presentation; OR PUNISHED FOR LIES. As is the need for a courtroom. Because redress is the law.

My claim is: DEMOCRACY SHALL RULE. Prove it is not so. Let the people decide.

Page 16. The relief I seek is my guaranteed right to redress of grievances/ anything less than that establishes a democracy torn asunder, by those who lead the charge: "We control/ the law does not".

Democracy or the authority and ownership of a nation by its own people: IS NOT SPECULATIVE. The truth says: either they do/ or they do not. Because fiction or fact: the assumption of authority by law for the people themselves and their legal, "*democratic/ as in ownership and the contract by oath you declared*" demand/ **without the means to enact that said authority: proves anarchy has occurred.** The disciplined legal demand to prove what is true, as in the accountability from government employees of this people as does redress provide. Defends, serves, and protects this nation from those who have so obviously attacked it and us.

The pretension of legal excuses to avoid the truth, as redress demands/ as justice in a courtroom of law provide: because LIARS SHALL be punished; is dismissed. The constitution rules/ not the employee.

In UNITED STATES APPELLATE Court
For the SEVENTH CIRCUIT of the UNITED STATES OF AMERICA
219 S. DEARBORN ST CHICAGO IL, 60604
<http://www.ca7.uscourts.gov>

APPELLATE CASE # 11-1639

THE CASE APPEALED: 10-2257 Judge David G. Bernthal; presiding.
US district court for the central district of IL/ Urbana div.

**Case Title: the legal determination of constitutionally guaranteed: first amendment
redress law!**

**THE REVIEW OF DEMOCRACY IN THIS APPEAL FOR JUSTICE: or more simply,
“do we the people own this nation or not”?**

dated: April 13, 2011

IT IS HEREBY DECLARED, I, JAMES F. OSTERBUR HAVE MAILED, or DELIVERED,
TO THE US APPELLATE COURT, AND EACH OF THESE DEFENDANTS; A TRUE
AND CORRECT COPY OF THESE COURT FILINGS, WITH THE PROPER POSTAGE
ATTACHED. IN THE US MAIL SERVICE/ **ON THIS DATE April 13, 2011**

As proof of service in this case, to the addresses so affixed.

JAMES FRANK OSTERBUR
2191 county road 2500 E St. Joseph, IL 61873

<http://www.justtalking3.info>

VS

United States of America

Internal Revenue Service/ **dept of the Treasury**; 1500 Pennsylvania ave NW DC 20220
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950 Pennsylvania ave, NW Washington DC 20530-0001
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the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

this document titled:

De novo, April 11, 2011

his “rule to show cause”dated April 1, 2011

added is:

US attorney for the central district of IL

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One copy to: US appellate court 219 S. DEARBORN ST CHICAGO IL, 60604