

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 5, 2011

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
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

“CIRCUIT RULE 3C Docketing statement”

I, James Frank Osterbur, hereby declare and serve notice, that I am appealing the failure of federal district court, in Urbana IL to obey constitutional law. Appealing the disruption of common judicial due process, by imitating closure and setting the trap called “report and recommendation”. Appealing the assumption of a decision that the defendant being an employee of this USA, can simply decide if they want to consent to trial in a matter of constitutional law. Appealing the open rebellion in court, against the US constitution and this people. Appealing the assumption of immunity, when constitutional mandate and the authority of democracy clearly dictates the outcome of trial, and the reality of who shall be called to court. As it is our employees that have sworn to obey the constitution, protect and defend this democracy as written for this people; and that has been denied.

The legal contract that is functionally “the UNITED STATES GOVERNMENT” called the constitution of this USA; with aid and support from the foundations called the bill of rights and the declaration of independence. HAS BEEN BROKEN. That leaves the issue of legal and criminal penalties with regard to the critical test of a sworn oath to obey the constitution as written; by those employees who have refused.

The establishment of constitutional guarantee and decree is however my purpose here. The reality of constitutional law; as is redress of grievances: the contract of our employees in the judiciary to obey, and provide to each and every one of the citizens of this USA, is my demand. The form and foundations of that guarantee have been listed.

Because the court says “not final yet” in district court/ even though it clearly is. I will allow the return to district court, WITH FULL AND FAIR AND COMPLETE in every detail that matters for the reality of redress of grievances to take place within that courtroom by establishing trial as indicated for the people. With all mailings necessary for the public interest/ the associated selection of a jury by lottery as defined/ and the consequent realities of providing to this people their own authority through redress of grievances as has been described.

ANY issue raised with regard to the format or subdivision of this trial SHALL go through me. That, is the price of your failure.

Regarding jurisdiction; again this is a matter of constitutional law/ there is NO issue of jurisdiction, I do have a right to be heard in every court in this land. It is a guaranteed right of citizenship, that cannot be dismissed or changed by any judge, or excuse. There are no other courts involved/ no other states wherein this trial is being exercised. There are NO excuses regarding the denial and intent to

discard the constitution of this USA: without criminal trespass (on my property & citizen rights/ my due process guaranteed to me) and the issues of treason the deliberate intent to deny and destroy and defraud with prejudice the authority provided to each and every citizen of this USA by their constitution/ within their DEMOCRACY: Called WE THE PEOPLE.

OBEY THE LAW, provide redress/ or send it on to the US supreme court/ or expect criminal prosecution, for destroying the rights constitutionally guaranteed to me/ to us all. Because there is NO IMMUNITY for anyone, to break, deny, destroy, defraud, STEAL, lie, cheat, or establish a forcible detainer against constitutional law/ or its guarantees as written. That is absolute disrespect for this democracy, and there will be consequences; let the people decide.

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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 5, 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**

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VS

United States of America

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the Attorney General US dept of Justice 10th and Constitution avenues NW Washington DC
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the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

this document titled:

“CIRCUIT RULE 3C Docketing statement”

added is

US attorney for the central district of IL

DAVID H. HOFF 201 S. Vine st. Suite 226 ste 218 Urbana IL 61802 / us attorney
one copy to the US DISTRICT COURT, 201 S. Vine st ste 218, Urbana IL 61802
One copy to: US appellate court 219 S. DEARBORN ST CHICAGO IL, 60604