

**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: March 26, 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 Attorney General US dept of Justice 10th and Constitution avenues NW
Washington DC 20530**

the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

“The lies, come spewing through”

**the review of defendant response jurisdictional memorandum March 24,
2011**

The defendants HAVING RECEIVED, the preliminary brief March 18; well before the court order/ as is consistent with my practice as a plaintiff/ appellant; the defense asserts it is my only opportunity to respond to that order. Rather by their record keeping this is item 28, notice of appeal/ filing fee paid. **A very clear response to the judges report and recommendation; item 27.** That cannot be misinterpreted. The defense lies; asserting none exists: yet plainly it is in his possession as he marks this defense exhibit 3. In fact with a response to the order of the appellate court, the March 24 “plaintiff judicial memorandum” is again sent to the district court; so that no such illusion can take place. Received twice, but slightly after March 24, and not an item yet. Further: court file 26 “motion to reconsider” did in fact give the judge opportunity to understand that I did object/ and it was his responsibility to do better. There is no substance to the perjury an objection was not raised by the defense: it is the evidence of court. Whether by an actual word written “objection” on the paper or not. The substance of truth, by the evidence an objection exists: is without doubt inviolate and true. Nonetheless the judge refused further consideration; sending report and recommendation the next day March 15, 2011. Which established: **THIS IS** the appropriate time for appeal. As was done, on March 18, 2011

The defense is wrong, regarding my ability to legally respond further/ by the order of the court, I do. **Quote: “it is ordered that both appellant and appellees shall file, on or before April 4, 2011, a brief memorandum...”**. I cannot respond to an order of the court prior to its existence. Therefore I have absolutely no requirement by law to submit to, or accept; the assertion that this is “all I get”. **In fact my response has already been mailed, and dated March 24, 2011.** Titled: **“jurisdictional memorandum”** This is March 25, 2011.

NO rights regarding **“jurisdictional memorandum”** have been waived, and I have now submitted to the district court a titled document stating “an objection” and response to both the US district court and the US appellate courts, as well as each defendant and lawyer. Therefore the lawyers for the defense as a result of this CANNOT defeat the ends of justice, with mere conclusions that can be asserted as lies: so says the evidence. Rather it is then considered a conspiracy among all defendants/ that this attempt to rape and ransack the law from me, by removing not only my day in court/ but even my name from the initial filing (blacked out, on this filing); **is not justice being served.**

You did not wait for my response/ that is not my fault: **I AM well within the time limit/ set by the court to file “an objection”**. However in the jurisdictional memorandum the defense sends: they or the court chooses to block

out my name on the document I filed on 3/ 18/ 11. [they label exhibit 3] The purpose of that is completely unclear/ unless of course they intend to remove this case from the files, and declare it never existed; as has been done in the past.

Even so we begin with the defendants “factual statement”/ page 2. Number 2:

“ The parties did not consent on the record”.

This litigation is a constitutional law demanding redress of grievances according to the first amendment; that is the primary complaint. And this law either exists as constitutional guarantee to each and every citizen or it does not. Therefore the question presented is: DOES THE COURT OBEY THE FIRST AMENDMENT AND PRODUCE REDRESS OF GRIEVANCES for this citizen/ **OR** DOES THE COURT AND THESE DEFENDANTS ARGUE, THERE IS NO SUCH LAW? Thereby the US CONSTITUTION must then be a fraud.

That is the functional “question presented” governing all other aspects of this case 11-1639. If there is no such law, then there are no such rights as have been established under democracy in this case. Rather democracy is a fraud/ the people of America simply a sham. Consequently the court is reprimanded to understand clearly this is not “just frivolous consent to conspire against me” they are trying to establish. By pretending the courtroom does not exist for this trial. They are mocking the democracy/ rebelling against the constitution as a foundation of law/ and the people of this United States of America. Not a good plan, in my view. But its your oath, not mine.

The question presented remains the same: Does the law written into the first amendment of the constitution of this United States exist as law/ or does it not. Because you have no case/ no jurisdiction as a court to refuse the law, or even complain of its existence if it is constitutional law. And the people DO HAVE A RIGHT to know, if a constitutional guarantee is in fact to be believed, or not. So answer the question, its not hard. Is the first amendment right, or wrong? And do explain how it is that the constitution of this USA is wrong. “I am waiting, with open ears”. So explain it clearly, because the nation awaits this explanation.

That is the substance of this case, without it there is no case. **So the entire matter breaks down to: does the first amendment command this court to obey redress of grievances, or does it not.** Answer the question. The right to decide this case ultimately belongs only to the people/ but as their employees: your

statement of compliance or contention is required. Walking or running away is not allowed: we will draw our own conclusion. Let the people decide. There is no judicial disposition of a constitutional mandate or law/ rather the law visits that right upon you; as democracy enforced. The law rules not the judge, is that not true?

page 2/ number 3 the judge alleges and the defense continues to allege: *without substance or merit/* AN ACTUAL LIE. **That no short and plain statement exists of the claim showing “I a citizen of this nation am entitled to claim the constitutional guarantees afforded to me.”** I do disagree, and state: IF INDEED REDRESS, IS THE LAW, why am I in court to demand my constitutional guarantee. DID the judiciary STEAL this law from the people of this USA? **INSTEAD OF: SIMPLY BEING AWARDED TRIAL FOR REDRESS among the people as has been so plainly and thoroughly described? So that democracy can arise, and the people make their decisions.** I continue to be discarded by every court in the land, including state courts; which in IL do have their own redress of grievance state law. If it's the law/ and every state and federal court ABSOLUTELY refuses to obey it: how is that not collusion and conspiracy to deny? It is absolutely proven: the court system and its judiciary HAVE rebelled and conspired to defeat this law and control this people through a conspiracy to deny. So says the evidence, proven in court.

Is that not corruption in the court, a rebellion by the judge and these defendants: by **REQUIRING ME to fight for my own legally constitutionally guaranteed rights?** Why must I do that/ or more correctly why are these defendants and this court NOT enforcing the first amendment as the constitution provides? It's the law! If this is not the law/ then simply prove that, in a way all this nation can understand. It's a simple thing/ just prove it.

The claim for relief is: LET THE JUDICIARY OBEY THE LAW, AND PROVIDE CONSTITUTIONAL GUARANTEES OF REDRESS, to me the common citizen. I AM entitled to that relief/ it's the law. OR I am entitled to know what part of this law, and this constitution of the USA am I ignorant on. What aspect of democracy is “foolish in me”? Explain it, so all the people shall understand. Because by the rule of democracy, WE ARE THE OWNERS here; thereby WE DO have rights. Is that mistaken: do explain it, because my understanding is: the constitution rules over us all, including you the judiciary and defense and defendant/ if that is not so, “do tell”!

Page 2, number 4

the defense argues “*specifically stated that:must be filed in writing with the clerk within 14 days.*” That date starts on March 15, 2011; therefore should I wish to offer more, I do have the opportunity to do that **until March 29**. That is four days from today. But there is no need, as it is plain and clear I have already done so; even though the defense refuses to acknowledge its existence, and even blocks out the name. None the less if the appeal brief that was initiated in district court was not enough to be considered a direct answer in district court since it was the beginning of appeal 11-1639. The subsequent “jurisdictional memorandum” established by the filing distributed to the district court as well as the appellate court is more than enough. But even so. The name will be changed, on the appellate filing called jurisdictional memorandum. To plaintiff response, OBJECTION; to judges’ report and recommendation For case 10-2257, MAILED MARCH 26. And re-filed in district court before the 14 days are up: to assure the defendant it is done, and provide every last thing the defense demands. Let there be no doubt. “Its in the mail”.

This is of course: Another matter of judicial rules fully intending to override, defeat, and control constitutional law: it is in fact; “a traitorous act”. A rule cannot defeat a law/ that is a rebellion against the law, a conspiracy to remove democracy and replace it with tyranny. Neither can a law defeat the constitutional guarantee and mandate for the citizen: it is traitorous, and the desertion of duty.

Page 3, number 5

the defendant offers “*despite having been given this warning, did not file an objection*”.

Clearly not true, as a pro se litigant I do not know all the rules. I did in fact consider the appellate docketed case 11-1639; created, filed, and paid for in US district court. To be, “AN OBJECTION”. Imagine my mistake that paying for another courtroom is somehow not? “Silly me”. Nonetheless, “the objection” shall be filed prior to the fourteen day period. Thanks to the defendant, “it was good of you”/ don’t you think?

Page 3, number 6

the defense suggests “*the notice of appeal; exhibit 3*” is not an objection. I do disagree.

And defense argues the following:

That his case: NOT involving direct and literal constitutional law, and guaranteed citizens rights. Can be assumed to control this case on “failure to object”. This “tiny seed” called “an objection NOT deliberately spelled out as a word”, in a short brief: clearly objecting point by point to the courts decree/ is suggested to be sufficient to remove constitutional law from court. I disagree.

Instead what is clearly fraud is: Following the judge’s report and recommendation (after the judge receives the motion to reconsider item 26); which clearly suggests “case is closed”/ move on to appeal: To every pro se litigant that ever came to court. Needs no further objection/ establishes the court does not intend to file any other statement by the plaintiff. Rather than a point of justice, as does the defense suggest. The reality of this jurisdiction memorandum sent by the defense; Fully defines extortion and the intent to rule over the court, in place of law or justice. Thereby insisting “there shall be no pro se litigants here”: because we can destroy them with rules and in unedo clearly without substance. Where is the merit in this line of defense, against constitutional law? It does not exist. Or more simply, by using rules the court to discard both law and justice, the judiciary insists: PAY THE DAMNED LAWYER, because after all, “he wants to be rich/ do not judges as well”. Apparently so; is my cause/ my need not expected to be thrown in the trash? Clearly it is, read the judges order: just provide anything; call it quote: “*a motion for voluntary dismissal pursuant to fed. R. app. P. 42 (b) will satisfy this requirement*”. In other words instead of a judge which even feigns “good behavior”/ the absolute prejudice is completely apparent and plain. Does he wait for my brief/ before making a decision? No, instead quote “*briefing shall be suspended pending further court order*”. How is that not bias? Without doubt, it is/ proven in court.

Because the objection in the appellant/ plaintiff short brief: upon filing appeal, **is absolutely un-mistakenly an objection going point by point by point through the judges report and recommendation.** It cannot be misunderstood. The defense thereby lies/ that is perjury in a courtroom of law: or do you contend otherwise. Make your case, proving what that filing is, if not as I state? Do, establish what the purpose can be, if not an objection to the judges report and recommendation. Go ahead and try.

We turn to the 7th circuit appellate court: quote Its, “*we decide to adopt the rule.....based on the reasons set forth by other courts of appeal*”. Which clearly means: they do this all the time; even where lawyers are used, but unaware.

The extension of that being: “Fool used to cheap a lawyer/ get the best; HELL ITS ONLY YOUR MONEY”. Pay us you damn piece of shit. Isn’t that so? Well, the purpose here is open for debate is it not? After all by the judges own admission: THIS IS NOT about justice, or law/ therefore we are entitled to guess. Is that not so? **I ask the question of this nation, and this people instead, to produce their guess: IS THIS JUSTICE? OR, Is it lazy, DISGRACEFUL/ DISRESPECTFUL, and worthless? THE QUESTION asked of the people again: Is this fair, equal treatment, the fourteenth amendment honored and obeyed? Etc. Or is this a judiciary so corrupt and out of control, that it borders on treason? Answer the question?**

RETURNING to the courtroom: We ask the court directly “going to throw this case in the trash/ removing all evidence from file; too?” I wonder why they do that? Gee, who can guess?

The defense goes on “*judge warns failure to file an objection within 14 days....constitutes a waiver of objections on appeal*” Still unclear how an appellate case is not an objection, to a district judges decision. I do demand that is to be explained in the law to me: should I a citizen not understand the law, being used against me to deny by day in court/ the guarantee of the seventh amendment that I shall have a jury.

Nonetheless Just goes to show what the judiciary can and DOES do, with their rules: does it not? But oh well, the US supreme court will protect us/ ain’t that so? We will see/ but never before has there been a redress case in the history of this nation; it’s a law? In this specific matter called redress of grievances, the US SUPREME court has already had its say. Clearly established by the evidence called; US SUPREME CASE 08-1339. Think it’s a pattern of abuse, or corruption, or collusion? Perhaps the FBI should investigate? Or the people themselves. I would ask the president, and lawyers for the people, but alas they are defendants here. They authorize this defense: its their lawyer/ Oh well.

The defense continues to argue: in (A) “*if the party fails to file an objection with the district court,waives....*”

Here again an issue without merit but: this time lets look at the constitutional guarantees to each and every citizen: quoting the fourteenth amendment “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor

deny to any person within its jurisdiction the equal protection of the laws.”

I am going to take a big leap of faith here and suggest that this defendant and this courtroom is not going to suggest that just because the term state is used, they shall not argue this is equally true for the nation itself. The constitution is our guarantee.

Next we will ask of the actual secondary claim; apart from redress of grievances: **why is redress desired?** And find that our nation has been bankrupted, lied to, and cheated. Swindled and in all other ways financially threatened with the cause and cost and consequence that is our employees deciding for us. Or more specifically for themselves and against us, the nation called America. Therefore I ask for redress to investigate and determine EXACTLY WHAT IS TRUE, THE WHOLE TRUTH, and NOTHING BUT THE TRUTH.. The court denies this demand, for this nation: to this date. Because the evidence of that statement cannot be denied through what every person in this nation has been advised of somewhat: that we ARE financially in trouble. The court, this lawyer, and these defendants, have decided: TO STAND IN THE WAY of this investigation and accountability of our employees: to we the people, and our need to know. Does that constitute a treasonous act. We are threatened, and you choose to side: “with the enemy, that threatens us/ giving aid and comfort, even adhering and supporting their cause”? I do not point to the defendants specifically in this charge at this time/ RATHER I do point to the employees of this OUR GOVERNMENT, of this nation, who do make these decisions and have caused these problems: TO SAY, WE DEMAND TO KNOW THE TRUTH.

Truth is not an enemy/ all who believe it is, HAVE something to hide.

The defense argues in (B) “.... *the purpose of this waiver rule is to promote efficiency.....without requiring them to conduct plenary reviews....*”

Obviously NOT justice, law, nor merit; doesn't matter. “Efficiency matters to the court”: Is that not so? Why else would someone pay for and do the work of an appeal, if not to find justice/ if not believing their cause reflected and required the law, and its merit in any decision a judge makes. If not to clarify the law in appeal, so that a true and real understanding of how our guarantees as citizens in this nation actually works? WHERE IS JUSTICE? The court answers here, “not important” quote: “*this waiver rule is to promote efficiency*” Oh well, “judge got a party to attend somewhere apparently/ or, just can't be bothered with law/ justice/ equality/ or fair play”. Ain't that so? Where's the damn money? Is

that not the common extension?

The court further explained that: “.....Absent the requirement that objections be filed, in the district court, all issues heard by a magistrate would be the appropriate subject of appellate review...”

As we look at this part it says “*absent the requirement that objections be filed*” . Which means without this little rule of procedure: things would have to be different! The court continues with how it would be different: “*All issues heard by a magistrate would be the appropriate subject of appellate review.*” OR MORE SIMPLY: the judges of the appellate court, “*WOULD have to review every issue in every case...*”, and actually work, doing the job they are paid for.

A case, **Brought to appeals/ simply discarded with an irrelevant rule that clearly represents a trap, rather than justice.** Somehow as a citizen I thought justice was their job, didn't you? But apparently the “judicial resources” have a different idea.

Even so, I did not come to appellate court seeking the review of everything in the district court case immediately. Rather, I filed a short brief with the district court; to pay for the appellate court: **specifically seeking review of the judges report and recommendations.** Demanding the constitutional law called redress must be obeyed by the judiciary/ because “it's the law”. The district judge stated his opinion: time for another, to find this judges error, and then review the truth about the district trial, in substance and with merit, throughout its substance and complaint. Is that not what appeals are for? Is that not, WHAT my taxpayer dollars buys me? Then surely it is time for a tax revolt! Or perhaps its all My mistake. The court and our employees of government are entitled to play games with us/ and does not every case presented by me prove: the court plays games with the law, the constitution, and the people as well? Good thing we have the president to rely upon “he'll fix it”/ well if he just had a background in constitutional law, he would> “oh wait/ he does; he's was a professor of constitutional law”. No wait, he's a defendant? Oh well.

Nonetheless the consistent courts (more than one) reasoning in this matter: described as, the enforcement or attempted enforcement of a rule of procedure by the court: **OVER A DISTINCTIVE AND REAL CASE ABOUT CONSTITUTIONAL GUARANTEED RIGHTS TO EACH AND EVERY CITIZEN IS:** is, We can't be bothered, go away.

One wonders, what the constitutional documents say about this: the law shall be denied by a rule of the court? It almost sounds like tyranny, RATHER

than democracy; does it not? Yes, yes I think it does. Lets see: tyranny means: “The law doesn’t matter/ I am the dictator here, and whatever I say is the law”. Hmm, yes “that sounds about right/ we can call it a rule”. Who can prove we ain’t right?

Well not to worry, the US supreme court is certain to stop this kind of tyranny isn’t that so? Isn’t that so? We’ll find out soon/ again. But be aware “they have people whose job it is to find an error, a rule broken somewhere”, for the express purpose of keeping cases out of court/ ain’t that so? How to get in? It’s a puzzler. Ah yes, if they can remove this case without calling it a trial/ then there is no appeal to be heard in the supreme court/ because it doesn’t exist.

But alas: **once the document entitled “plaintiff objection to the judges report and recommendation 10-2257.” Is filed within 14 days of the date allowed by the court itself and established herein by the defense. Every argument in this jurisdictional memorandum fails.** March 29, 5 days from today is that deadline. This is in the mail March 26.

Just so you don’t have to worry about it/ I am mailing it, so as to remove the wandering: “what if he dies”.

EVERY: Constitutional law case, is of the people ,by the people, and for the people. That is a simple truth. Therefore YOU THE PEOPLE, do have every legal right and duty; to take up this case, should I be dead.

The second primary issue raised by this appeal: let the people have their trial, over the employees of government. As redress allows and provides.

Is the extension of “the amended complaint denied”: the peoples right to participate. Another failure of the district court, to adhere to constitutional mandate and law. Because if redress. is the law/ then there is no possible way the people can be denied their own participation; in this their government in action. As democracy provides and demands: WE DO HAVE THE RIGHT, to A VOTE. Does that not include the judiciary, in terms of redress and “bad behavior”/ OUR EMPLOYEES/ OUR CONTRACT with our employees/ and THEIR OATH. Indeed we do.

The defense argues as the court CASE listed “ *this court rejected the appellants claim that the case presented a situation in which a waiver would “defeat the ends of justice” because his attorney failed to file the requisite objection*”. Or more simply: means the search for justice through the law, would not be heard, because of this rule.

The court continues “ *this court explained that is that reasoning was adopted..... every appellants failure to file the procedurally necessary objections*

would be excused, and a party would never waive his or her right to appeal”.. They forgot to add, AND WE SURE AS HELL DON’T WANT TO DO NO DAMN WORK. Just an oversight I guess. But more importantly, this rule: or oversight of a tiny word called “objection”, by an appellant or his lawyer/ **overrides every attempt or intent to establish justice, law, or right. The rule is law/ the law, nor justice have value.** Only the rule. How is that not rebellion/ does the constitution, and its demand for justice; not rule the courts?

The defense turns to its own caliber of conduct and states: “...in the present case the finding of waiver clearly does not defeat the ends of justice. Osterbur was specifically advised....” That statement from exhibit 2 is “the parties are advised that any objection to this recommendation must be filed in writing with the clerk within 14 days, after being served with a copy of this report and recommendation. See 28 USC 636 (b)(1). Failure to object will constitute a waiver of objections on appeal”. March 15.

My objection was filed march 18, as an appeal in US court of appeals, 7th circuit. The lack of a word “objection”/ while the content is nothing but objection; constitutes deception, by the defense. The equal protection of the law, does not recognize a complaint without merit; as this defense provides. But this judge does? Which means there is collusion/ because it ain’t justice.

Even though this is a trial for constitutionally guaranteed rights as provided and guaranteed by the constitution of this USA, to every citizen in this USA. The intent and purpose of Justice, is then absent in this court.

The physical fact here is: I am, the litigant here. But by constitutional fact: it is each and every citizen in this USA that is represented by this trial. Because redress. is guaranteed to us all/ therefore it belongs to us all/ therefore denial of that law, is denial to us all. An entire nation of people refused and denied/ how is that not rebellion by the court?

Consequently THE COURT: being informed and aware of this throughout these hearings, the judiciary OWES THE REST OF THE USA POPULATION a legal representation in court, with me. To assure and defend the nations’ own interests in this action for their own defense, through redress. But not my defense, as I stand alone, an individual citizen bringing suit to demand my legally guaranteed rights. Our democracy means: WE THE PEOPLE, rule ourselves, through our law. Is that law not the constitution/ without doubt or compromise it is.

Should the court NOT provide constitutional law for us all: right now? If

not/ then, What possible excuse is there that the people in defense of their own nation/ should not be legally represented, when in fact: THIS CASE IS, specifically about CONSTITUTIONAL LAW, MANDATE, AND GUARANTEE, to each and every individual citizen. That, is Not a game, it's the law/ and every judge is confined to enforce the constitution regardless of position, or state; including the supreme court. **It's the law of our democracy:** we the people rule ourselves by law spelled out in the constitution, and supported by the bill of rights and the declaration of independence. Which do, agree with me. Make your case, should you disagree.

The defense continues on at the bottom of page five; purposely holding that the short appeal filed in district court/ with their stamp on it; does not constitute an objection. Continues to defend: **a procedural rule of the court/ which does not contain or represent the enforcement of law: BECAUSE THE LEGISLATURE DOES NOT CREATE IT.** Has some type of impact or control over the constitution or law itself. **A rule DOES NOT, have that authority:** **because it is not law/ it is merely the musings and opinion of a judiciary that is out of bounds, and in rebellion against the laws and constitution, they are required to enforce.** IF IT AIN'T LAW/ IT HAS NO AUTHORITY IN COURT to interrupt or deny the law. **No rule of procedure within a court controls the law/ the law rules it.** If the legislature did not make it, there is no authority in a rule. Thereby this rule is thrown out of court: BECAUSE IT INTENDS TO CONTROL THE CONSTITUTION. THE FOUNDATION OF ALL LAW IS THE CONSTITUTION. A judge is NOT allowed to make the laws of this land, only the legislature/ signed by the president. A JUDGE IS NOT ALLOWED to contaminate the constitution with any procedure or rule, that does not clearly obey constitutional intent and purpose. That purpose is established by the preamble and amendments/ created and supported by the bill of rights, and declaration of independence. I am in court: demanding constitutional guarantees, and the only defense against that guarantee, IS PROOF: that I am in error according to the constitution. ANY other objection, is merely the denial of democracy, the intent to steal our law/ thereby our nation from WE THE PEOPLE. An act of treason.

The judiciary stands accused of tyranny/ stands convicted of participation in the conspiracy to deny democracy, through the removal of redress according to the first amendment; and substitute their rules as law. Thereby making their own laws, and enforcing them instead, as would a dictator over us: a rebellion, against democracy. "Our laws rule ourselves, by our vote".

But lets continue: “....7th circuit noted that because this rule is a “nonjurisdictional waiver provision, the court of appeals may excuse the default in the interest of justice”.... (A case about a prison that did not forward the mail)

Or, their suggestion is: because I DO HAVE JURISDICTIONAL STATUS, they need not consider anything else. I fall outside the narrow circumstances of “non-jurisdictional rights”. Prove me wrong.

Conclusion

I have waived no right of trial, but demand them instead. The objection mentioned shall be in district court PRIOR to its stated time limit. Ending all assumption of failure against me, by the defense.

This trial proceeds. **The objection to: the judicial report and recommendation on case 10-2257 : is in the US mail:** As certified mail: ticket 7007 2680 0002 8287 3671 to the US district court and certified mail: ticket 7007 2680 0002 8287 3664 placed there on March 26, 2011

**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: March 26, 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 certified
POSTAGE ATTACHED. IN THE US MAIL SERVICE/ **ON THIS DATE MARCH 26,**
2011

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

**JAMES FRANK OSTERBUR
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St. Joseph, IL 61873
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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 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: “The lies, come spewing through”

**the review of defendant response jurisdictional memorandum March 24, 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