

**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 24, 2011

**JAMES FRANK OSTERBUR
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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 20530
the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500**

“jurisdictional memorandum”

REVIEWING THE ORDER OF THE APPELLATE COURT, March 21,2011

Cowardice is not a constitutional right. Democracy (WE THE PEOPLE rule over ourselves with law) is not a judicial option/ it is the foundation by law; required of every judge to submit too. The right of appeal DOES NOT extend to a rule of the court, or a law of legislatures/ **because the constitutional mandate & law was not submitted too/ but rejected, by the court.** When you step outside the law, **when you refuse the constitution itself:** you lose all protection provided by that law. Therefore “The constitution rules this case”, NOT the judge. **You have NO AUTHORITY over the constitution: IT DECIDES FOR THE NATION.** But the constitution has authority over you, and every courtroom. Prove this is not so, **or your case for dismissal is lost/** your order rejected, and trial begins. Lies in a courtroom, where all are fully and completely aware: constitutes perjury. **Intentionally stripping away my constitutional rights, which do guarantee me a courtroom, and a literal decision by a judge/ according to the law, ACCORDING TO CONSTITUTIONAL LAW: is treason, when the nation itself is at stake.** Prove this is not so , **or your case for dismissal is lost/** your order rejected, and trial begins.

THE RULE OF CONSTITUTIONAL LAW/ **NOT** the rule or whim of a judge: **is an absolute guaranteed right** provided to each and every citizen. Prove this is not so , **or your case for dismissal is lost/** your order rejected, and trial begins.

Am I not a litigant here, I gave NO PERMISSION to alter the concept or consequence of this trial, in any form. It is a demand the court shall obey constitutional mandate and law, guaranteeing me, and this nation: REDRESS OF GRIEVANCES. That is the case, and you cannot simply LIE; did I not bring witnesses this time? These defendants listed; are NOT primary litigants of trial/ THEY ARE PARTICIPANTS IN THIS UNITED STATES OF AMERICA GOVERNMENT. That defendant, which is the USA is the only one of merit than can change consent, or stand on the record. That defendant is: the constitution of this United States of America. And it consents with me. Prove me wrong. No employee of the United States of America can decide NOT to adhere or accept the rule of law, as provided by the constitution of this USA. The oath required of each of them proves it is so. NO EMPLOYEE, OR GROUP OF EMPLOYEES, has authority to change, alter, misinterpret, or fail to obey the demands and purposes of the constitution of this USA. Because that is open and real REBELLION against this people. How do you plead? There is no lack of jurisdiction: merely

mentioning such a lie in legal courtroom proceedings : is an act of defiance against the constitution of this USA. THIS CASE IS ABOUT CONSTITUTIONAL GUARANTEED RIGHTS, as is redress of grievances/ to each and every citizen in this nation. WE ARE, literally all involved/ the entire nation; proven true. The dismissal of this nation from this case, is an act: conceiving of traitor. How do you plead?

Thereby your objection is removed, you have no merit or substance to your complaint/ and it is desertion of duty. “Your order states”...the order appealed **may not**, be an appealable judgment”. Until you prove beyond the shadow of a doubt, that this is true: this appeal stands, and begins; as ordered by the appellant. This is NOT a civil case. This is a constitutional law and mandate case provided and built upon redress of grievances under the first amendment. PROVE you need not obey the constitution, or provide serve to the people and to me, under the fourth/ seventh/ and fourteen amendments as well. All parties in every constitutional law trial: INCLUDES THE NATION. Because both the outcome and the reality, affects us all! The employees of this government called the USA do not get to decide if they will or will not obey the constitution of this United States of America. They are bound by oath to do that very thing. They are bound by constitutional decree:

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 BLESSING OF LIBERTY TO OURSELVES AND OUR POSTERITY, do ordain and establish this constitution for the USA.” That is the preamble or stated intent by the people, which rules over every employee and each decision they do make. Therein we will, review the penalties for failure to obey and keep the oath made. The failure to accept OUR RULE over this nation, and your job.

For now, let the people decide, if they believe this court/ or me.

A: DISCLOSURE includes and is defined as:

The precepts and parameters of trial: THIS IS DEMOCRACY.

That the judiciary is in every way “amenable to the people/ indeed their trustees and servants”: so says the bill of rights, TO YOU.

THE CONSTITUTION GRANTS, the right of the judiciary to its powers and authority ONLY during “good behavior”/ it is not an insignificant interpretation to demand that good behavior is created during the honorable

application of justice/ fair play/ and equality for all the people, in their actions/ and in their ways/ to aid and sustain justice for all. Good behavior does NOT include “a lifetime appointment to the judicial bench”; that right, to replace: is stolen from us. It is blind arrogance that asserts an insignificant rule has anything to do with justice/ has anything to do with constitutional law/ has anything to do with WE THE PEOPLE, or this DEMOCRACY. Instead the use and consideration of the contract: each employee of the judiciary has with this people, is very simply: YOU HAVE MADE A PROMISE TO US/ that there shall be justice for all. There is no integrity within the court when the law can be dismissed; the need or right of any person discarded; for nothing more than a rule/ or the opinion of a judge. Either the law rules, through constitutional guarantees for justice, or it does not. That means the law must dismiss, not the judge. The conspiracy to control the courtroom, rather than open it to the law and the constitution by the terms of “WE THE PEOPLE” continues to grow. As the evidence shows, in cases presented to the court by this appellant; particularly US supreme court 08-1339. The question presented: “the first amendment of the US constitution states and gives the following legal right: “...or the right of the people peaceably to assemble and petition the government for a redress of grievances”.....the question to the court: WILL YOU HONOR, THE FIRST AMENDMENT : REDRESS OF GRIEVANCES FOR THE PEOPLE OF THIS NATION? They dismissed, with one word, and a clerks’ signature. “That ain’t, judicial procedure”/ its rebellion.

The relationship I share with my fellow citizens in this courtroom, demanding constitutional guarantees, as is dismissed by this judge. Construes and suggests, that we the people, are not involved in our constitutional law/ or more simply we as a people have no say: WHEN IN FACT, that is your judicial failure/ not mine. I bring the constitution to bear under the first amendment. A fact you cannot deny. This is an issue that will not be tolerated, because it is in fact adverse possession of this democracy (I am guaranteed). This hostile intent to claim a right of title as judge (to dismiss)/ is completely errant: when viewed by the amendments established: the first grants and guarantees me redress “the gathering of citizens, by the determination of their legal right for accountability and control over OUR government”: denied. The fourth amendment: the right to protect my possessions, my life/ our lives: denied. The seventh a guarantee of jury trial, without interference by a judge, his opinion, or a rule; denied. The fourteenth; stipulating “there is NO POSSIBLE circumstance” where I can be denied the law, or my day in court: denied.

These facts, would be, a “notorious action”/ deliberately intending to

usurp and destroy the guaranteed legal rights of a US citizen, doing his best to comply with all necessary actions of a legitimate court. This is in fact, functionally and fundamentally “a chilling effect” upon the law, and the litigant. The judiciary in a direct and deliberate attempt to prove: “you cannot come here/ we won’t let you”. That is NOT legally, ethically, morally, or constitutionally within the statutes and purposes of justice; nor is it chained to the purpose of either the fourteenth amendment which guarantees my right to stand and be heard within a courtroom of law, and be heard upon the grounds of constitutional right and duty; or the first, OUR right to be heard under redress as a nation.

Pro se demands: JUSTICE, has nothing to do with a diploma OR RULE. DUE PROCESS has nothing to do with a diploma or rule. FAIR PLAY exists within the assertion and demonstration: even though “I ain’t as pretty or smart as you”/ I still have a right to be here, to be simple and plain, and to demand the law applies to all! Such is the meaning of equality. Denied.

The docket facts are: I, James Frank Osterbur whose legal address is 2191 county road 2500 e. St. Joseph IL 61873 am a pro se litigant in this appeals, case 11-1639. There is no other attorney or litigant: I stand instead as a citizen demanding his guaranteed legal rights under the constitution of this USA.

There have been no other appeals in this matter, there have been no other filings in this matter, in any other court, nor in any other state. This appeal extends to the district court; as indicated above.

This appeal looks at the corruption and contamination of justice, by a conspiracy to deny redress of grievances wherever it appears. The defense suggests several cases, and there are more; such as these. All which prove not only a conspiracy to defeat redress/ but the intent to do so regardless of truth, integrity, discipline, merit, or any other form of justice or honor by the judiciary.

WHEREIN the judges of the 7th appeals court DID: “pick a facetious, or more correctly factitious lie: choosing to discard the previous case 10-2146, with a complete fabrication: stating I had not paid a fee/ when clearly and certainly, to the best of my knowledge; I did. The FBI summoned to investigate; the district court in Urbana failing to support; **by demanding cash** (failing to take a personal check) and **providing a receipt that proved to have ink which rubbed off in my billfold**. Leaving me without evidence, a theft.

A previous case 94-1943 & 94-1944 dismissed, with a complete fabrication by the US appellate court, representing cause as: “Christmas decoration on a

government property”. When absolutely nothing religious/ nothing about christmas/ nothing about government property or any other facet of that lie actually existed. Not in interpretation/ not in actual fact/ not in deliberation/ not in the slightest conformity or evidence! AN ABSOLUTE LIE! A copy can be found at www.trialforlife.info in the abstract link.

And there are many more! Therein the assumption, that I will continue to play the game set out by the court and its employees who have transformed democracy and the validity and authority of constitutional law into a game, Wherein they change the rules/ lie/ cheat/ steal/ establish treason/ and functionally rebel against WE THE PEOPLE: should not be assumed. The level of competency shown in this lawsuit justifies the statement: dismissed without cause, by using excuses and lies, without merit. I am again, here for justice, and that is established by the reality of facts which do create and sustain the authority of law. NOT simple rules, opinions, or statements; by which employees have clearly usurped their intended authority and actively attack the foundations of democracy which are: the constitution rules/ the people have ultimate authority within their constitutional decrees/ the judiciary are servants of the people: THEREIN I tell you plainly as a pro se litigant YOU are subject to the foundations which support justice. And these are NOT HIDDEN within the proclamation or purpose or intent of a damn rule by which justice is robbed from the citizen and the constitution is not only broken and abandoned by the judiciary; but becomes a failure to the people. The ONLY sovereign authority and immunity of government, IS our agreement as a people. Those documents, or more correctly that agreement: MUST be UPHELD BEFORE WE THE PEOPLE, as immaculate and clean/ established, by & because the judiciary MUST obey the law. Or become guilty by treason. The intent to destroy our foundation, for ruling government; over ourselves/ by ourselves/ and for ourselves.

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Is limited to the sovereign and immune documents which are the government of this UNITED STATES of AMERICA. The foundation agreements which became the substance, that formed this nation. The constitution/ the bill of rights/ and the declaration of independence. No other has authority here/ no other can intervene, because they hold no power over them, or the people. These documents/ these words, ARE the government of this USA. This democracy called we the people: wherein this case over constitutional rights established by the first amendment, shall be drawn. Wherein the rights and power of the people and their employees shall be examined, defined, and created as new.

D: As to jurisdictional statements:

The foundation of ALL LAW, is the constitution. NOT ONE LAW EXISTS, NOT ONE ACT OF CONGRESS IS ESTABLISHED, NOT ONE DECISION OF ANY GOVERNMENT OFFICIAL IS ACCEPTED, AUTHORIZED, OR VALID WITHOUT THE CONSTITUTION, or within any other form of assumption. The authority OF THIS UNITED STATES OF AMERICA; is the constitutional documents described. No other/ no other employee/ no other person holds the truth: THIS IS AMERICA, as it was intended to be. That means, every single courtroom in America is not only allowed to hear

this case, but it is the law, they must hear it. And the judge MUST obey constitutional law and mandate. As is consistent with the contract proven by oath: to protect, defend, and serve the constitution of America.

TO ASSERT, THAT FACT IS NOT SUFFICIENT JURISDICTION, IN THE MATTERS PRESENTED WITHIN THE APPELLANTS case, as a jurisdictional statement; constitutes a lie. This case establishes constitutional law and right, by demanding LEGAL redress of grievances. It has been repeatedly denied. To assume that corruption within the judicial system of America is not a matter required for review, is prejudicial (a judge during bad behavior/ is merely a citizen equal to me, or any other).

The law protects only those who serve it, and obey its demands. The oath, demanding obedience or punishment controls what happens to a judge. The renewed authority of we the people, as owners here: to and through the constitution of this United States: is a fundamental percept of this trial. An inherent guaranteed right of this people called democracy.

WE THE PEOPLE OWN THIS COURTROOM, and every other. We own it, we pay the salary, we provide the nation, we establish the law or break it as is the will of the majority, we fight or die for life, liberty, truth, and everything else: it is “our individual blood” on the battlefield. Established and maintained as sacrifice for the guarantees, we hold dear.

IF THE COURT is found not engaged in this battle for honor and for life, and for ownership as is provided by DEMOCRACY: called WE THE PEOPLE; as is promised by the constitution. THEN IT IS THE COURT, that is in open rebellion against the law and nation. These things are not defended, not sustained, not interpreted or created by rules/ rules are merely “the anti-christ of government (not religious, it means NOT a savior by any conception/ rather rules without merit acting, as a courtroom destroyer of life and values)” by which people are then subjected to RULERS. Instead of freedom. Democracy, is about freedom/ the liberty to demand what is “right and fair” for us all. Discipline and the integrity required to believe justice will prevail. The honor to fight for what is legally true, guaranteed to me by this nation; and fundamentally necessary as is the duty of every citizen including those who sit behind the bench. A judiciary who fails is: The gang “whose color is black”/ whose purpose seeks control rather than freedom or liberty/ who hide in obscure detail, and frivolous in unedo so as to contain, control, and gloat over the people. Ridiculing them, by that corrupt power over denial and access to the court. A court, whose desire is clearly with the rich, to sustain their power, and their pride”: is to be disbanded. Replaced with those

who accept their oath of office is true. The demand to protect and defend this people is not frivolous or trivial. The demand to rule ourselves, is not “unintelligible, nor incomprehensible. The reality I do not surrender, to the few who would rule over us; instead of demanding we shall rule over ourselves. Proven in all the court cases previous, should be a clue: I am not going away. The law belongs to me/ you, stand against it.

Jurisdiction is the ability to hear a case, by having the authority to declare a judgment in that case. In this case constitutional law and mandate have already declared the judgement: the constitution rules. **THEREFORE THIS REDRESS SHALL OCCUR AS DEMOCRACY INTENDED**, with or without the court: let the people decide for themselves. The functional reality of a court/ that has already proven its personal contempt for this litigant: has no such authority to deny constitutional law. As such, this appellate court must move this case unto the supreme court of this USA. Because it is the constitution itself that is on trial here in this appeal/ **OR IT IS THE JUDICIARY** that is on trial here today for not obeying constitutional law. One or the other has proven to be inferior to its purpose. Let the supreme court of this USA, who has already proven to be corrupt through trial 08-1339; therefrom, the instigator and keeper, of a rebellion against redress of grievances as provided within the constitution, provide their defense. **To WE THE PEOPLE.**

d: EXPANDING TRIAL

They are on trial, as is the entire judiciary. As is the state of ILLINOIS as well/ because their IL constitution provides redress of grievances/ and throughout their courtrooms both great and small the answer is again the same. “We the judiciary **REFUSE**, constitutional law”. Therefrom the case is enlarged to contain article three of the US constitution here as well. Or more simply: **IT IS** the job of federal judiciary and attorneys for the nation/ **THAT** the judiciary in STATES including IL, shall in fact obey their own constitutions and provide the law to their people. The contract of oaths, the foundation of law, the corruption of a judiciary that fails and in fact rebels against **OUR LAW**. Is on trial here.

WE THE PEOPLE, become your judge, and theirs; as there is no higher authority in the land, than the constitution, and those it declared to be free of rulers: **to be owners, and the people of democracy, they enforced.**

d2: democracy in action/ freedom

Whether I stand as an army of one, with the law that is the US constitution

as my warrior; or with others: it is NOT, I, whom attacks you. Rather if you are attacked, it is the law which threatens/ it is the truth which demands compliance with democracy and its foundation and authority called the constitution. It is these you fight against, not me; I merely instruct and defend my guaranteed rights as a citizen of this USA. I merely say to you, and this nation: we are threatened as a world, a nation, and the entire future of this planet; do to the things men have done. The review and determination to stop extinction, stop the complete destruction of nature due to genetic mutilation, and other critical realities which endanger us all; add to this case the need: **FUNDAMENTALLY DEMANDING A COURTROOM TODAY. NOT at some point in the future, but NOW.**

All technical data regarding dates and such are fully the function and definition of a court: **THEY ARE YOUR RESPONSIBILITY/** not mine. Because I fight for constitutional right guaranteed to me: **IT IS YOUR JOB,** to provide the legal responsibility of lawyers to defend the people/ but not me, I represent myself, but I can represent no other. Therefore it is your duty to provide/ or prove this is not a case based upon constitutional law and its first amendment redress of grievances. Which you cannot do. Because they are your records, not mine, and **YOU** contain sole responsibility to prove what is true or not true in this regard. It is the judiciary on trial.

I cannot be dismissed, because you fail to present the evidence within your possession, as required for proof. That is obstruction of justice.

It is your job, to assert this appeal has merit/ OR fails on the grounds of insubstantial evidence; **based upon its subject matter, within THE LAW of constitutional decree.** Since you cannot substantiate a lack of evidence (regardless of cases destroyed by the court, to hide their deceit)/ that being irrevocable evidence within the courtrooms of america from its least, to its greatest.

The cause of collusion & conspiracy within the judiciary: to deny redress of grievances as provided by the first amendment of the constitution: **proven in this trial as well/ establishes merit,** as written. The demand for redress of grievances trial: prepared for the nation to decide. Remains the foundation of this claim, and its purpose.

The demand of this trial. **ESTABLISH LEGAL REDRESS OF GRIEVANCES, FOR THE PEOPLE.** Now! Exists/ this is a courtroom; No excuses allowed, it's the law. To the district judges claim, "that I seek to be great"/ **I RETURN YOU** to the reality. I am only a citizen here, demanding my guaranteed constitutional right. If it is a trial that grants "attention"/ it is entirely

because the judiciary brings that upon itself. You broke the law/ the judiciary says it is above the law/ not me: **are there no consequences?** Should there be no example made: is that not what you do.

E: Statement of issues presented for review, in redress.

The foundation claim exerted in district court is established as a true and literate need to investigate, examine, define, and decide: AS WE THE PEOPLE. THE initiating CLAIMS OF THIS TRIAL:

1. Are we bankrupt as a nation/ WHAT DO WE OWE? Without adequate results from the contract to govern our nation by the mandate and law of our constitution; in our stead. The demand is a true, complete, and accurate accounting: between our employees and ourselves. We have an absolute right to know: to stop payments to the employees, and to redistribute their wealth gained from us/ by their own failures, lies, cheating, and theft: back to ourselves. Accountability is required. The constitution demands it/ an oath establishes legal rights and boundaries. WE ARE THE OWNERS HERE. We, the people are the power, the authority, and the demand of law, as a nation. Demonstrating and demanding that power of life, to rule ourselves. Through the legal consequences of redress of grievances/ as found in the first amendment to this US constitution.

2. The question: Are the financial funds, securities, properties, lives and work of this nation: being taken from the people, and redistributed to the wealthy? Is our nation in crisis: for their failure/ our employees of government, in fact attacking this nation. By allowing and creating financial decisions that creep into our possessions, and steal our lives, our nation, and our democracy from us. Are they NOT distributing “free money (our money)” to rich/ by stealing it from the rest? Are we not handed their debts/ and told “nothing for you”. ONLY THOSE who can control an election. After we own nothing, because inflation infects us all/ and we are withheld even from the tiny compensation of participating in the numbers they use to steal us blind. After the nation is in absolute upheaval and chaos from the results of theft and disrespect for our lives/ it is too late to stop the violence that will erupt. WE MUST do it now/ we must know the real and true, financial threat against our lives.

The question expanded: how is a debt that cannot be paid/ no matter how much we try as a nation: still a debt? The answer to be proven in court : is not the influx of numbers called debt: actual inflation? Given to the rich, “as stimulus” and withheld from the poor/ did we get that job, and at what cost. Is this not a pyramid scheme: taking from the many, to keep it all for yourselves. Giving the

“rich” access and rights to which we do not have/ stripping from us the value of our work, our possessions, and our lives by distributing numbers for “free”; to the wealthy. For which we are entitled only to be indebted. We are cheated/ there must be an accounting. There will be change; let the people decide.

3. Are we, or are we not threatened with massive life/ planet/ nature/ and environmental consequences that cannot be defeated by hiding? Thereby proving: we cannot wait: we must act. WE MUST KNOW THE TRUTH!

DO TO governmental expenditures that allow and have created a war on NATURE, because DNA is nature. A war on the planet environment; because being wrong about fusion means you brought the same fire as is on the sun here to earth; and we cannot put it out, EVERYTHING here is fuel. A war on the planet itself, by funding and providing US paid, or unpaid participants in the experiment “we want to recreate the single most destructive event in the history of the universe” right here on earth. HOW IS THAT, NOT NECESSARY OR A RIGHT OF THE PEOPLE THEMSELVES, TO DECIDE: if these terrorists shall continue to gamble with our lives? This nation exists to confront those who have damaged or sought to destroy our lives, our values, our purpose as is freedom through liberty, and a future worth living for ourselves. That CANNOT be left to chance or ignorance, or failure. WE MUST investigate and decide for ourselves through redress. BY THE EVIDENCE! BY THE TRUTH, OF WHAT HAPPENS IF THEY ARE WRONG. Is not gambling with your life, our lives; strictly for fools. Is it not constitutionally abhorrent; to risk the nation or its life or its children?

4. IN FACT, the reality of every threat against the people of this democracy/ every threat against our authority as a people/ every action that is dedicated to the name and reality of this USA; governed under redress of grievances. The will of this people to review and decide for themselves; for or against the actions taken by our representatives, our employees? And is our right to decide, within the framework and reality of this constitution of this USA. A critical mandate for this nation; which we must observe. Through these employees our guarantee to the children exists. A guarantee, we will do what is necessary, for a nation that will survive, and provide for their lives. That guarantee MUST be established by fact/ NOT fantasy, delusion, or lies. CHANGE AS IS NECESSARY, IS REQUIRED.

5. The critical reality of failure/ foolishness/ corruption/ idiocy/ deceit/ LIES/ denial of our authority as a people over our employees/ and outright theft of this society and its possessions. IS A DISTINCT CAUSE, to be in court today! Accountability proves true or false. NOT continuing to pay taxes, but provide to ourselves a tax revolt, until all such actions or purposes for redress are in fact

resolved. IS FUNDAMENTAL OWNERSHIP of the nation. There must be accountability TO US, and control by our own ownership of the nation through constitutional guarantees, THAT PROVE: WE ARE IN CHARGE HERE.

6. The corruption and collusion of the judiciary in all its tiers, has proven to be by the evidence presented in court documentation through the plaintiff James F. Osterbur: IS SAID to be in direct rebellion of a constitutional mandate, and guaranteed right. That cannot stand. That MUST be investigated, examined, and proven true or false. The failure removed so as to give the people their constitutional rights, their guarantees as a people living under the rule of democracy: we rule ourselves, with law.

7. The failure of governmental agencies and legislative bodies; or presidents and judges: to adequately or in fact protect, obey the constitution, or defend this nation by any and all means of reality proven in truth. Is not a fantasy or a delusion, or assumptions of grandeur as is seen among these employees. This REQUIRES CHANGE IN GOVERNMENTAL STRUCTURE, and DEFINITIONS. A complete review of what this democracy does mean for WE THE PEOPLE/ and how that fact shall now be changed, by we the people: **to accomplish and prepare for a future we will survive. Critical investigations of all threats, all realities of corruption and accountability so that truth DOES ring out. Regardless of the consequences/ because all lies die. TO SURVIVE as a nation, WE MUST live in truth.**

THESE ARE SUMMARIES OF: THE SHORT AND CONCISE STATEMENTS OF TRIAL IN DISTRICT COURT. Prove me wrong.

F: Statement of the case

The functional requirements of constitutional law, for this district court hearing proceeded along realistic lines until it came down to obedience to the law/ and the reality of consequences that must emanate from that trial. The disciplines required to create and establish what is true, in opposition to the supposed calm of current lies; fell apart, by some means of persuasion that caused this judge to “change his mind”. As the “opposite decision is suggested”, with regard to forcing the US attorney to clarify his position. But that is supposition rather than fact; let the judge defend himself. Either way, the public is discarded, the right of trial was abandoned. The people are left unprotected, undefended, and without their most precious possession. THE RIGHT THROUGH CONSTITUTIONAL MANDATE AND LAW: **TO RULE OURSELVES. As is redress of grievances:** bringing our employees, to accountability and obedience, through

law.

G: Statement of the facts

There is no immunity or sovereignty for employees of our government called this UNITED STATES OF AMERICA. There is no constitutional allowance for the denial of constitutional law or direct inherent, and guaranteed rights provided as our sovereign guarantee to ourselves; as it EXISTS within the constitution itself. MY RIGHT to defend myself, from serious attack by all means necessary is absolute/ the employees of this government of the people/ by the people/ and for the people; have clearly failed. Therefore a true and accurate account of our reality, as a nation: MUST be given. For which we do provide taxes, to that purpose, and for that desire as a people. The real difference here is: there shall be NO MORE LIES/ we demand the truth, the whole truth, and nothing but the truth. That we are not a people expected to endure threats, theft, lies, or corruption, from our own employees is absolute. The fact beyond financial and other: We do endure threats that will end the future of all life on earth/ and every child. [A list is provided in the appendix.] IS REAL. **Giving NO POSSIBILITY of compromise: we must know, what we must know.** Thereby with information and truth in hand, we the people then decide as a nation, what we believe and will do according to that truth. We are the owners. We demand our authority, which does produce and extend this case to all citizens of this USA. **The dismissal of “the people” from this case MUST be returned to its truth: WE THE PEOPLE, are literally here in the substance and reality of what is true, regarding merit and cause and rights in this appeal.**

H: Summary argument

The whim or opinion of a judge is NOT enough, to subdue constitutional law. The assumptions of a rule of the court, IS NOT enough to subdue or control constitutional guaranteed law, to each and every citizen. The employees of: “our government which is: **the defining documents and their words**”. Identifying this nation called democracy by its law/ its declared purpose and desire for both present and future life here in this nation is sovereign and immune from attack by our employees. THEY, the judiciary/ representatives/ employees, etc: **are NOT immune or sovereign: OUR AGREEMENT TO BE A NATION, with its guarantees, IS.** The reality of a contract between the people and their employees; grants, that if the contract is NOT respected or held up to scrutiny as is accountability: then we owe NO TAXES to those who have abandoned their oath:

to obey, defend, and protect our nation and our lives. Prove you have not failed, completely, is a measure of how desperately we are in need. That is a fundamental question involved in REDRESS of GRIEVANCES, according to the first amendment. To stand up for the nation itself, as duty requires: when it is absolutely clear, trouble brews from which terrible consequences can come. All of us, MUST be aware. All of us are required to participate. Redress of grievances provides the proof through accumulated legal decisions that we have a right, and DO DEMAND our trial, over our employees.

I: the argument rests upon these authorities and standards

THE AUTHORITY QUOTED upon each and every issue of contention is democracy: OF THE PEOPLE/ BY THE PEOPLE/ AND FOR THE PEOPLE, through law. **According to the constitutional documents called the government of this USA; the constitution/ the bill of rights/ the declaration of independence!** Which does not create or allow, any form of dictatorship/ ruler/ king/ or other with regards to ruling over us. The law rules, or it is not democracy. The foundations of all law within this USA are governed by these three documents. Every oath in the land required of our employees is governed and established under threat of punishment if you do not obey our commands/ there will be consequences. Which does MAKE WE THE PEOPLE, rulers of this land, and its courts. The review of corruption and failure shall prove this is so.

The relief sought REMAINS: without doubt and without exception/ THAT THERE SHALL BE REDRESS OF GRIEVANCES ACCORDING TO THE FIRST AMENDMENT IN THIS NATION.

J: CONCLUSION BY FACT:

OPEN the door to LEGAL redress of grievances, for this nation: as is the law called the first amendment of this US constitution. As democracy DEMANDS of the courtroom called America. **OBEY THE LAW.** IS the short and plain conclusory statement of this appeal, TO THIS JUDICIARY.

THE APPELLANT CONTENDS:

the appeal of case 10-2257 REVIEW OF THE JUDICIAL DECISION

Judge David G. Bernthal; presiding.
US district court for the central district of IL/ Urbana div.

Judicial: Report and recommendations established 3/15/11.

“The court recommends dismissing this action as to all defendants.”

Plaintiff argues:

article 3: discussion: the purpose of a courtroom is JUSTICE, through the laws democracy provides for that purpose and desire. There is no power in the judiciary to claim otherwise/ NO possibility a judge or group of judges is above the law. There is no authority to misconstrue, or misinterpret our intent: that this democracy shall be: OF THE PEOPLE/ BY THE PEOPLE/ AND FOR THE PEOPLE.

[Judge states: Dismissed for lack of a short and plain statement of the claim showing the pleader is entitled to relief. Refers too “...a court must also be mindful, however, that it should not allow defendants to be subjected to “paranoid pro se litigation....alleging...a vast encompassing conspiracy”. Added is”plaintiff’s merit-less litigation to conclude that a complaint consists of naked assertions and delusional scenarios.]

In witness thereof: the judge uses the following, as sufficient for dismissal: thereby meeting not the basis or purpose of a courtroom in this USA.

**IN THIS APPEAL: WE WILL EXAMINE WHAT IS TRUE?
THE CONSPIRACY TO DENY DEMOCRACY, to destroy or
conspire against the first, fourth, seventh, & fourteenth amendments to this
US CONSTITUTION. Is held to be within that assertion. The rights and
foundation of democracy fundamental, to every aspect of a courtroom.**

We begin:

1. That my claim in this trial and others is very simply **the law must be obeyed by the courtroom** of this america and this state of IL. Throughout this trial, my only real demand is the judge **MUST** obey the law; because the constitution demands it/ rather than me. I merely request my guaranteed rights. The judge fails, and denies the constitution.

2. **That the law, being the first amendment of the US Constitution grants the guaranteed inherent right to LEGAL redress of grievances for the people.** And all options and needs to accomplish that redress have been established for which the court can find no complaint or denial. There is no greater subject merit in or of or about/ a government called we the people: formed by the promise; “of the people/ by the people/ and for the people” . The judge fails, and is attributed to the call and cause of rebellion against this people and their government which is our agreement to be a democracy.

3. This judge states: background; **my complaint is the USA through its courts; “that employees of the US have failed to do their jobs, and uphold the constitution.”** Creating the question: is that not short and concise? Does that not merit a claim of relief from the paid to do their job; representatives of this US courtroom entity, loosely called “government”? Without doubt it does. The judge fails; as did so many others in the judiciary at trial; each of which were tested in this matter of redress of grievances. And have established without doubt that the judiciary has indeed created and upheld a conspiracy against this law, called redress of grievance. That is an act of rebellion against the constitution of this USA. That means traitor, one and all.

4. In every courtroom, they demand that I must have **a personal issue to bring before the court/ not merely a claim for my legal guaranteed rights.** Which does establish a cause for why taxes are not paid, and the assertion: I cannot enter court without a personal complaint regarding far less greater issues than life/ freedom/ liberty/ truth/ justice/ fair play/ equality/ guaranteed rights/ law/ or any other definition of value as has been brought before the courtrooms of this USA and state of IL. The fault is within the judiciary it is not mine/ the judge fails.

5. The judge argues; background page 2: **“Plaintiff repeatedly makes reference to unspecified constitutional violations. Plaintiff makes unspecified demands for “redress of grievances” and compliance with the constitution”.** **AN OUTRIGHT LIE!** The court is reminded: **SHOULD I NOT!** Again what do you not understand about constitutional guarantees/ what is unclear about democracy and the demand to be heard by a jury of my peers as the US amendment 7 guarantees to me/ the 14th amendment guarantees to me/ and the 4th amendment applies to my property/ or the first amendment to the values I hold as dear or sacred. How is it I should not remind you of the duties applied to your job, as our employee in the preamble of the US constitution/ or fail to remind you of the words in either the bill of rights or the declaration of independence; as did build us this nation. We built it for democracy/ NOT for your dictatorship and

denial of our rights. The judge fails, and aligns himself with treason: an act of betrayal to this people.

6. The defendant argues: **that a law lesser than the constitution of this USA should hold greater value than the constitution itself. He is a liar!** The defendant argues: “failure to state a concise valid claim for relief...” However the issues of money and debt within this USA in and around this day are obvious and apparent to every citizen/ and need NO further statutory evidence; the public knows, and so does the court. Thereby to call for a direct, real, absolutely truthful accounting from all assets and liabilities created or allowed by our representatives and employees of this people is absolutely a claim for relief which the defendant and this judge do understand. The defendant and judge conspire/ and do lie together in the collusion of an intent to deny the sovereign right of owners. **WE THE PEOPLE** are **THE OWNERS** here. As has been plainly and securely stated and proven true. The judge seeks to overwhelm us: as a means of destroying democracy/ an act of a traitor, a decision of a fool. The defendant suggests “that our employees are sovereign or more specifically like kings or dictators” and there is nothing we can do about anything/ cause they own our lives. That is rebellion/ that is an intent to overthrow our government of the people/ by the people/ and for the people. Or more correctly the words of a traitor. The defendant suggests that there is no subject matter jurisdiction here: the real issue here is “that are lives, our future, our dignity, our respect, our money, as a nation of people living in democracy has been taken from us/ by employees who refuse to believe we are the owners/ not them”. Therefore I say to the court and bring trial to establish among the people by their own decision: the question **SHOULD WE INVESTIGATE OUR EMPLOYEES, AND WHAT THEY HAVE DONE?** Or should we not. That requires a courtroom, according to redress of grievances our truth as a democracy called **WE THE PEOPLE**. Prove me wrong.

7. The judge states, a standard: his claim is “the purpose of a motion to dismiss for failure to state a claim is to test the sufficiency of the complaint, not to decide the merits of the case.” Which means: no plaintiff has a right to trial or jury as the constitution guarantees **UNLESS** the judge decides “as a god” over trial; that he will or will not allow said trial. His assertion is **MERITS** (or the value; to life, nation, environment, etc, to be decided in a trial) **DON’T MATTER**. That is a very serious offense/ regardless the failure of any other court. **It means: the judiciary has stolen our juries from us/ has stolen, raped, and ravaged the constitutional demands of every amendment and placed themselves as gods or**

dictators over us. Instead of governed by law/ we are governed by the whim of a judge here, in those few words. They, the judiciary and other leaders in America: **HAVE rebelled against us/ they overran us all/ and they raped the very essence of democracy, *because without our guaranteed legal say in a courtroom governed by law itself. Our nation being ruled by law, as a democracy, meaning WE THE PEOPLE rule ourselves. We become nothing more than slaves, oppressed by dictators, and abused by traitors.*** The judge attacks, and attempts to kill the legal right of every citizen with his whim, or opinion as is consistent with his words. As there is no reference to law/ there is no acceptance of constitutional authority/ and no discipline for the nation, the people, the law, or justice. He conspires to assassinate, he conceives of a world where the doors and the robe can hide him from life. Is that not the ways of a thief.

Plaintiff response to standard

THE TRUE STANDARD IS JUSTICE! Nothing less than truth will do.

I have brought the complaint into court: that this nation is in grave danger from financial tragedies/ from science experiments funded by these representatives using my money to gamble with nature, life, even the planet itself. **And said: WE THE PEOPLE HAVE A RIGHT, to know and investigate and decide for ourselves by our own vote. If we will allow our lives, our money, our nation or world, our nature, our everything shall be gambled with.** That is the short and plan statement. That encompasses the demand for accountability to the people/ or more simply “tell us all, what you have done/ **WE HAVE A RIGHT TO KNOW.** Because it is our lives/ it is our money/ it is our future/ and it is our **LEGAL, CONSTITUTIONALLY GUARANTEED** right. The judge fails/ thereby proclaiming in his words “Without merit”. That we, this nation called America; are as nothing/ less than slaves. They will do whatever they want; and too me, with dismissal comes the command “shut up”. The judge complains that I have given him no grounds upon which this demand rests. However I will argue is he cannot construct this on his own/ then he is either so arrogant and foolish as to believe further: that we have no power within ourselves as 309 million people standing on his doorstep to say **YOU ARE WRONG.** I suggest, he will be sorry. Even so: the grounds are simple. By your oath to get that job as judge; you have accepted the terms and conditions we the people have set upon your life and your decisions. That means you understand the truth said when stating: “I will defend and protect, the constitution of this USA”. Thereby fully knowing it is a criminal

act called treason to not only fail to do that/ but actually attack and intend to kill the laws of this US constitution and make yourself king instead. Is treason/ a deliberate act, with knowledge, time to think, and intent to act. Traitor established. Our contract with the representatives/ employees of this people called this UNITED STATES OF AMERICA is very simple: we pay you, we allow you authority of purpose to obey the laws we did create as a nation governing itself by law, and our own vote. NOT your vote, we govern ourselves by our vote. We govern ourselves by our law/ and our law is the constitution itself, with its two founding documents called the bill of rights and declaration of independence. These are immune from your denial, or your attempts of authority over them/ THEY ARE SOVEREIGN, you are not. You are merely employees, paid to work and do what you agreed to do, on our behalf. Anything less is either treason, or its criminal intent.

This demand in this trial for a redress trial, whereby all the people shall decide if they demand accountability and the right of their own rule as WE THE PEOPLE. Is more than plausible/ it is the law. The judiciary is not entitled to an opinion here/ it is forced by law, to accept its duty; or be proven in desertion of that duty and forced to accept the consequences.

The court contends, “these are not claims” valid in a courtroom of this USA. That is an open lie/ in absolute contempt of the court and the nation. A direct criminal intent to steal, rape, and destroy the guarantees of the constitution of this USA to me. Proving the judge is liar/ thief/ and fool. Because the law, is greater than a judge/ and this democracy is owner of that law. Thereby WE THE PEOPLE, shall now judge you: WITH OUR CONSTITUTIONAL LAW, and purpose for a courtroom. Have you never heard, “owners of the property, life, and nation” HAVE RIGHTS. Indeed they do. Which brings to mind: WHO caused this judge to believe, that he could stand against the law, this democracy, and the nation itself? Do we not look “higher”? Do we not ask this question: as a citizen guaranteed the laws of this USA, IS THE LAW, not more powerful than any employee or group of employees? I tell you the law is more powerful/ because it is us, it is our agreement to each other, as a nation or state.

We ask the question: as the judge states “the court must treat all well-pleaded allegations in the complaint as true, and draw all reasonable inferences in the plaintiffs favor”. Where is my lie? Where is the defense, or the courts’ statement of failure/ rather than mere frivolous inference? It does not exist.

The judge states: “the court should not accept as adequate abstract

recitations of the elements of a cause of action or conclusory legal statements.” There is nothing abstract about 1 trillion dollars representing a new ten thousand dollar debt/ per each one of one hundred million people. There is nothing abstract about 3.7 trillion dollars representing just our federal employees intending to spend \$37,000.00 per each of one hundred million workers. Plus all the hundred’s of billions spent by state, county and municipal employees in our name. There is nothing abstract about giving trillions of dollars in debt attributed to us: multiplying that money by ten, before giving it to banks, and using it to buy our property, work, future, and life. Given away to “someone” as yet undisclosed, who is using our own money to attack and own this nation by consuming our property in foreclosure from us. Inflating the money supply for their own purposes, while telling us: that it is debt/ so we cannot participate in inflation; thereby giving themselves every possible advantage over the nation itself. That is a fact clearly in evidence today, before this very nation. These are ELEMENTS OF A CAUSE OF ACTION, that is both immediate and necessary. Here is a legally conclusory statement for you: YOU STOLE OUR MONEY/ so we will through democracy attack the employees who did so to us. All the same; we are bankrupt by you/ therefore count on the purpose YOU will be bankrupted, by us. Its called justice, even if not fair play, because YOU OWE US, MUCH MORE! Is that context specific enough for you? The pleading requirement here is: WE THE PEOPLE, speaking for myself, as a guaranteed citizen right to inform, support, identify, and establish the duty to tell each and every other citizen: we must investigate these employees. Through redress of grievances! The circumstances for this claim could not be more clear. The pleading requirement is absolute/ the foundation for defense of myself and this nation is “PERFECTLY CLEAR”. And it is a liar, that suggests otherwise.

The absolute failure to accept the judges’ own words, “district courts are required to liberally construe complaints filed by pro se litigants”; Proves a conspiracy exists not only against this case but against all pro se litigants. Because even though NOT ONE single relationship to truth or justice exists in the judges own words/ he still insists “that a college diploma” is necessary here. Democracy be damned, in other more simple words of this judiciary.

Plaintiff response to DISCUSSION

The judge states: “A plaintiff need only provide a short and plain statement of the claim showing that the pleader is entitled to relief”. This plaintiff has

brought to court a trial for redress of grievances for this nation which states: WE THE PEOPLE ARE ENTITLED TO RELIEF. The judge discards the law/ and destroys its purpose to protect democracy from those who would and clearly do defile/ disgrace/ and disrespect it. That is an execution, under the guise and guile of law/ to thwart justice and democracy by proving “I am the dictator here”. This courtroom is closed. The evidence of a conspiracy as has been proven in trial after trial by the judiciary of this state called IL and this nation USA to deny and destroy redress of grievances is absolute; even beyond the absolute proof, that as a law in existence for over 200 years/ there are NO cases to be cited granting redress of grievances. Today, there is! The law demands it shall be carried out for the people and their democracy/ the law shall be carried out for the citizen guaranteed his rights. Or anarchy does rule the courtroom, and the nation, because those who call themselves leaders, are defendants here. And they have no cause or right to say, “we didn’t know”. They do! Are these not facts?

The judge states: it is his opinion that matters most, not the law/ not justice/ not democracy, but his opinion. In the words “...when making determinations as to plausibility, a court may rely on judicial experience and common sense..” Therefore we see his common sense as a barricade to our democracy/ as this trial is nothing more or less than the constitutional demand for the legal right of redress of grievances, as provided by our own agreement to be “this nation” CALLED the USA. The judge says in effect: that his common sense and experience is greater, than ANY mere law established by the constitution of America/ and that we must allow him to decide instead, whatever he wishes too. Regardless of law/ he is god here! Apart from hypocrisy, and outright contempt; is this not fundamentally anarchy, when our own constitution is NOT enough to require compliance with our national intent defined and defended by the words we did agree to support as a nation in this day. Or does the judge suppose, he is literally god here/ and we all get down and worship him instead. In actual fact, if it is his decision that matters instead of the law/ THAT IS, exactly what he expects. I say NO.

The judge continues the larceny of proclaiming the law/ and discarding it with more lies. He states “....in the case of pro se litigants, courts are required to liberally construe their claims..” Yet instead of offering justice, law, elemental constitutional wisdom and interpretation as one must expect in a trial of any kind. He uses the words to hide what is being done. He seeks to swindle, me and the people of this nation, with the endless lies and temptation to believe what is clearly and completely untrue. He does nothing to justify his claim of “liberal

construction”/ as would be identifying exactly what is wrong, so that it may be corrected. The judge is paranoid, that indeed I might. Therefore he hides in a report, that he knows shall be filed for viewing by others/ with words he believes no one shall find necessary to view the actual text of the case. I suggest he is already wrong. There are people who know/ and they are looking. This is about money. More than anything else, the people of this nation DO care about money. It is a fool and an idiot, who forgets that simple fact.

This judge claims my words to be: “..paranoid pro se litigation...alleging...a vast, encompassing conspiracy”. The definition of paranoid is “1.characterized by or resembling paranoia (delusions of persecution or grandeur) 2. Characterized by suspiciousness, persecutory trends, or megalomania (a mania for great or grandiose performance). 3. Extremely fearful.” So lets review: I ASK for constitutional law and guarantees to be obeyed, and the right of this people called America of which I am a citizen shall be adhered too. Even prove me wrong is added for proper context to proclaim if this is in error, then establish what is correct. The judiciary refuses. I claim: the representatives/ employees of this nation are accountable to the owners here; and as a citizen of this nation, I must then be an owner too. Consequently entitled to everything guaranteed to each and every citizen as is constitutional law. The judiciary refuses: in effect saying HE is greater than these things. I disagree. I state in trial that we are in trouble here, in a wide ranging reality of consequences so grim and disturbing that WE THE PEOPLE must intervene in trial, so that a true and legitimate and verifiable listing of the evidence can occur, thereby proving what is true and what is false. Thereby we SHALL make up our own mind as a people what must be changed. The court says invalid/ you have no cause or claim for a legal case. Or more simply this is not a democracy/ I am the ruler here. I the plaintiff state: for the sake of this nation, the children, and our future we must know the whole truth, and nothing less. The judge says no; establishing here, that he is suspicious of this behavior at best. Without merit or substance, this judge dismisses the case as an act intended to silence this complaint. Can’t do it with law/ can’t do it with procedure/ can’t do it with rules/ can’t do it with justice or democracy or any other legitimate cause: therefore he turns to simple excuses and lies in an attempt to “run away”/ because the price is too high. **I do not allege there is a conspiracy within the courtroom by the judiciary against first amendment redress of grievances. I HAVE PROVEN IT, through cases some of which are represented here. And the fact no known case exists, of a law in democracy owned by the people to prove: WE ARE the rulers here. The people did not turn away/ the court**

did.

This judge states: "...familiarity with a plaintiffs prior meritless litigation..." Yet he offers no proof, from any past case than what I do represent as redress trials/ fully establishing a conspiracy within the judiciary to not only discard redress law/ but deny its very existence. You will see NOT a single word, in any judiciary decision or statement, supporting or denying the existence of redress. The courtroom is absolutely silent/ because redress is absolutely denied. Even though it is constitutional law. That, is anarchy; plain and simple.

The judge states: "...complaint consists only of naked assertions and delusional scenarios.." The naked assertion that we have a contract with our employees; that they must be accountable to us, is a fair statement/ I do demand that is true. The delusional statements of a "loosely used, government" that allows our very lives to be gambled using our money in connection with: bringing the same fire as is on the sun here to earth/ intentionally causing atomic explosions in a suburb of San Francisco, expecting 192 lasers to contain it; BUT KNOWING that if even one laser fails, an absolute unimaginable catastrophe will exist/ by mutilating nature, the very essence and reality of our lives and every future life; Is somehow not INSANE. Is completely beyond my comprehension; absolutely horrendously, and without denial: these government officials are insane to me. Thereby I DO INSIST, not only because of the financial insanity these employees have caused, but the failure at all levels of life here in this society: WE MUST HAVE REDRESS OF GRIEVANCES, as our last stand, before it all blows up into complete chaos. If that is delusional, I do invite you to prove it, plain and simple.

This judge states:

"...complaint demonstrates no coherent claim or request for relief. The following excerpt illustrates plaintiffs reliance on threadbare recitation of constitutional violations, and demonstrates the courts difficulty in finding plaintiffs claims to be plausible." End quote/ or more correctly this is his defense for dismissal. All else fails his test on merit or substance or purpose within the law.

So then this is MY summary in short and plain and simple form as the judiciary complains I did not give them. Yet they use it, to prove I did!

"You see if you can make it shorter or more to the point" let us review, one sentence at a time.

"WHY DO I OWE THIS MONEY [referring to Plaintiff's unpaid taxes]/

when you the employee failed to do your job; and in fact STOLE my money/ STOLE my time in confronting you, and demanding and preparing for court/ STOLE my citizens guaranteed rights, through a courtroom/ DENIED my foundation rights to DUE PROCESS, which were by no legal means carried out, within a courtroom.....”

The first statement [*why do I owe this money*] is a matter of contractual reality. IF YOU DON'T keep up your end of the contract to do the work for which I did hire you to do/ then I need not pay you: it's a fact of law. Do bear in mind the defendant list is: the IRS through the dept of treasury (collectors/ payers of money)/ the attorney general (the person in charge of making certain the law, and our constitution is enforced, by the employees of government; by bringing those who deny that law or constitution to the court). The solicitor general (that person in charge of making certain a fair and adequate legal representative who must fight for justice shall be in court to defend the nation itself), & the president (the person most in charge of recognizing when something is amiss, defending the nation, and establishing needs of this nation must be first, in law and constitutional governing). All fail, by the financial reality of our time/ the gambling with our lives without our direct consent. Thereby this trial seeks redress to prove that very statement. This trial proves by contempt for reality or truth, among these leaders: that I DO NOT, OWE taxes, for what is so clearly NOT in the best interest of this nation or its future. A clear breach of contract. A clear and deliberate rebellion against the rule of law, as a democracy called, we the people. The court was asked to prove me wrong. It refused.

The second statement is like the first [*referring to plaintiffs unpaid taxes for the year 2005*], and respects the reality that I am told I must pay taxes for this failure of our employees to respect or obey constitutional law or purpose. THEREBY I have gone to court to insist: IF I must pay for work to be done for me/ THEN IT MUST be work that is in the best interest of this democracy. Not this fantasy of fools.

The third statement is [*when you the employee failed to do your job*] since that reality is SO EXTENSIVE in absolutely every reality of governing, it is perhaps a bit too extensive for the moment. Therefore the following statements exist: [*in fact stole my money*] or more simply, we can reduce it to three specific realities: spending \$37,000.00 per each of 100,000,000 is communism; or the expectation that “we the rulers know best/ let the people be slaves”. And that does not, or is likely to not even include social security expenditures; as they separated it out. Borrowing \$1.65 trillion dollars for this year alone, cannot be sustained;

therefore you are liars when suggesting it can be paid back/ it cannot. Giving trillions to those who created a financial disaster so they would not experience any consequence for their actions, but in fact use redistribute our money, claiming its our debt/ to in fact steal everything they possibly can, with an inflation that we are not entitled to “says you”. Prove this is not robbery or inflation. Is that not a claim for relief, simple and plain? Why should I pay for this? We then look at the next segment which is: *[stole my time in confronting you, and demanding and preparing for court]*. The court recognizes this as true, in the cases preceding this trial/ and knows by the reality of “I get no money” for doing so; that when the law is not obeyed/ the reality is then theft, by the judiciary. If the law does not rule/ then anarchy prevails, is that not so? Why should I pay for this? We then look at the next segment: *[stole my citizens guaranteed rights, through a courtroom]*. As I have already dealt with this extensively, the reality of law is again expressed in the first amendment as THE LEGAL RIGHT for redress of grievances. So says the constitution/ yet every judge denies. How is that not conspiracy? Why should I pay for this? Am I not intentionally locked out of a courtroom, called redress! Indeed I am, thereby the guarantees of this US constitution are reduced to null and void. How is that not anarchy, rebellion, treason, and the sign of a traitor? Prove it is not so. Prove I have a contractual obligation to pay taxes for this? Prove I have no right to inquire of the nation itself: SHOULD WE NOT investigate these employees and demand accountability as is the law? Then, I will pay taxes, when you do your job, as required by constitutional law.

So then lets us review the next phase statement: *[denied by foundation rights to due process, which were by no legal means carried out, within a courtroom]*. Or more simply, the list of excuses used by the judiciary is long and frivolous, and in direct contempt of this democracy and its laws. No justice to be found, in redress court. Simple and plain. How is that NOT in direct and significant rebellion against WE THE PEOPLE, and me? This is our nation, this is our society, this is our lives, this is our money, this is our nature, planet, future, duty to every child: and court after court, literally throws OUR NEED FOR DEMOCRATIC RESOLUTION to these problems in the trash. I have the cases to prove it, is no random event.

The next statement is born out by media and fundamental knowledge created in the last few years. *[threatened every aspect of “the money/ economy” with an out of control banking and wall street gambling industries; stealing the money from we the people with lies!]* There is no test necessary to prove the banking industry failed us all/ the regulators in clear and complete collusion

against the people and for the money. That is proven in financial collapse and bankruptcy/foreclosure rates. Failed, plain and simple. There is likewise no test necessary to prove that wall street did in fact take american business overseas and prove itself to be a complete fraud by selling derivatives some suggest in excess of \$600 trillion dollars/ combined with other sales of about \$100 trillion dollars in all sectors of business; that becomes a total of \$100,000.00 per person on the planet. The mere mention of these figures, with the resultant obvious damage to society and world IS ENOUGH to demand a true and accurate accounting to prove or disprove what is real. The judge fails/ because it means the lies end. No truth from the court here/ anarchy is preferred!

The next statement [*threatening not only my nation, but my world with the absolute arrogance and contempt of people who believe they are so damn smart, they are entitled to play gods.*] HOW is that not a true and accurate statement of people who have mutilated every aspect of nature, the foods we eat, the creatures we depend upon, the ecology that is our world; because they think they can do better. Or the people who believe they can control the same fire here, as is on the sun. Or the people who believe they can recreate the most destructive event in the entire history of the universe (the explosion of everything), right here on earth. HOW is that not threatening my life, my body or mind, my future, my friends or family or my everything; my nation, and my world? Therefore comes the claim prove it is not gambling/ and let me decide as one vote in this nation or world, if you shall continue. Or be charged with terrorism of the worst magnitude possible. The judge sides with terrorists, and prepares for the end of life with delusion and fantasy. By believing in lies, and supporting the religious zealots of the university who do, literally believe themselves to be gods. The separation in church and state forbids it/ regardless of the name the church calls itself, or hides behind. I am not a believer in the university religion which says: "don't question me". I am a believer in the truth/ let there be trial; so that all can see and decide. The judge says NO, making him one of their "priests" in disguise. The constitution says redress is the path to understanding and decision of the people. The judge says NO, making him an anarchist, and traitor: because these are no small matters, and time is important.

The next statement is [*entitled to literally and without restraint GAMBLE with our planet/ the nature we must have to survive; thereby every life on this world*] while this has already been identified, the word gamble creates the distinction of what is happening here in these things. While you may believe in the university religion/ that does not make it true or real in terms of life or reality.

It just makes you a believer, in the images they have created to control you. I REFUSE/ LET THE TRUTH DECIDE. The judge says no. THE REALITY HERE IS: that all these risks are being taken with everything this planet requires for life; by nothing more than the guesses or theories these religious fools believe in. Creating machines and work and possibilities so inherently foolish and blind/ so tremendously arrogant and failed; that they CAN literally kill us all with their deeds. HOW IS THAT, NOT MY BUSINESS. HOW IS THAT, NOT MY CONCERN OR DUTY TO DEFEND AGAINST. HOW IS THAT NOT SUFFICIENT CAUSE FOR TRIAL? Only a complete fool, can suggest otherwise. We have an absolute and undeniable right to understand, investigate, examine, define, and vote upon the people who have literally threatened us with COMPLETE HOLOCAUST against an entire world. Only the worst of human history, the very bowels of the deepest hole of death and disaster would say no; you have no case here. Because time is running out.

WE HAVE AN ABSOLUTE RIGHT, WITHOUT EXCEPTION OR EXCUSE, to intervene in these things and more, which literally threaten a planet with extermination. Period. Regardless of any and all other concerns.

Prove me wrong.

The court continues to say “...the court concludes that the plaintiff has failed to state a claim for which relief may be granted..” Which can only refer to the fact that justice is without doubt crucified on his cross of contempt. Because democracy and the order of law, ruling our lives is not in evidence here. Thereby what construction is possible, but the assertion of treason/ anarchy/ rebellion/ and traitor? Explain it to me, because these are actions, not just words. And the judge complies with each. This ain’t no game, its life or death for a planet. And that, is even more proven true, than absolute financial collapse as is coming. The court moves for civil war/ because its cause is NOT justice.

The judge suggests: the constitution and foundation documents as are the bill of rights and declaration of independence are not sovereign: “the employees are”. They are our gods/ they are our dictators and kings/ whatever they say is what we must do, meaning democracy is dead: consequently we are their slaves. I DISAGREE, and support the demand of redress of grievances to prove this MUST be removed, traitors punished.

The judge focuses on “...the collection of his federal taxes...” and supports all the words used in this trial, can be reduced to a claim by the plaintiff, “I don’t want to pay”. That is irrelevant in fact, but as a policy of truth: WHY WOULD I

PAY, for a contract so badly disgraced and disrespected, that NONE can claim even the slightest degree of respect for the purpose or work established by that contract between the employees of we the people, and the constitutional oath demanding of specifically the leaders: "TO PROTECT AND DEFEND". Is an absolute lie/ an oath discarded and thrown in the sewer, along with our democracy. As is the absolute proof created in denial of redress of grievances, WHICH IS THE LAW/ and the people's opportunity to govern themselves, when it is absolutely clear. WE MUST. The judge fails, and hides.

Plaintiff response; summary

As is the current crisis in Japan, at the Fukushima power plant, this march 17, 2011 so is the reality we now face in terms and conditions set because the judiciary believes it can play with the law. We begin to face the last countdown to horrific disasters, because the arrogant and blind/ will never admit to their failures: they are just "too damn smart". They get to play gods over our lives/ so they say. Genetic collapse is life lost. Fusion fire here, same as the sun is death by "lake of fire"/ to an entire planet. The games at CERN trying to recreate the single most destructive event in the universe, is simply the planet exploding into debris. HOW IS IT, that we should wait to be proven wrong. Prove you have the right to gamble with my life/ with our lives/ with our nation/ with our future.

HOW IT IS this is not worthy of investigation, and proving what is real about this gamble with life on earth. Or the arrest of extreme arrogance as are these terrorists identified to you.

HOW IS IT, that the entire economic structure of this financial America can just be lost down a sewer of greed and arrogance without a fight/ BEFORE ALL THE GUNS BOUGHT, BECOME BLOOD SPILLED. At every turn, it is the court/ that proves in cowardice; not only will it not obey the law, or fight for life or the planet for anyone. But it turns in anarchy to the destruction of all we value called democracy. Because this is neither justice or trial. **This kind of failure; has nothing to do with democracy or WE THE PEOPLE.** This is, the terrorists who lead America hiding from the people/ by turning to the courts as their barrier in proof: WE NEED NOT obey the law, WE are superior/ WE ARE DICTATORS AND FOOLS. LET THE PEOPLE DIE! LET OUR LIES SURVIVE. Prove me wrong.

K: CERTIFICATE OF COMPLIANCE

This brief complies with the type, style and word content required by rules of the court.

**In UNITED STATES APPELLATE Court
For the SEVENTH CIRCUIT of the UNITED STATES OF AMERICA
219 S. DEARBORN ST CHICAGO IL, 60604**

dated: 3/ 18/ 11
case appealed from 10-2257

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/

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

This “jurisdictional memorandum”

JAMES FRANK OSTERBUR

2191 county road 2500 E

St. Joseph, IL 61873

VS

United States of America

Internal Revenue Service/ **dept of the Treasury**; 1500 Pennsylvania ave NW DC
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added is:

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