In the matter of
JAMES FRANK OSTERBUR

V.

USA, et al

dated October 5, 2011

I do hereby declare this extraordinary writ contains 6716 words by computer count/ discarding parties to the proceedings/ appendix/ and table of content.

SUMMARY STATEMENT; **JOINING THE NEW, EXTRAORDINARY WRIT/ TO the original writ sent: NOW RETURNED AS: A, WRIT OF CERTIORARI.**

The question presented in association with the changed titled from the originating "extraordinary writ/ September 2, 2011" to now a pasted on label indicating this is changed to a **"petition for a writ of certiorari".** Fundamentally this allows that the new extraordinary writ as altered by instruction of the court clerk letter September 13, 2011 asserts:

the foundation of law states, I, having found a need to "encourage the district court to in fact establish a report and recommendation/ and then an order: having proven BY THE DATE ESTABLISHED, the court had abandoned. From the motion for judgment till that order was received: proves an action was required. Simply drop the word "extraordinary" and it suffices.

Therein a writ of certiorari could not have emanated, without some form of judgment to be challenged. Consequently an extraordinary writ. Your failure, not mine; therefore no additional cost, is expected.

Today however having received that order from the district court due to actions in the supreme court, it is now necessary to include a new extraordinary writ, dated Oct 5,

11. With the changed sept 2/ now, a writ of certiorari: to eliminate undue work and expense. An extraordinary writ is still required/ Because the district court has sent me back to state court. Which as established in the extraordinary writ of October 5, 2011; Is merely a discard of justice/ the district court going so far as to entice the circuit court to return to issues of procedure that had been resolved. **NOT JUSTICE, not valid, not honorable, and clearly not constitutional law. Because a rule of procedure DOES NOT control constitutional law. Constitutional law controls procedure, and that law requires justice**, not rules, beyond what is fair play and realistic common sense. Therefore both are joined in this common suit, both work together for the same legal purpose: to identify and establish, the type of relief being sought. Therefore "same".

The plaintiff is entitled to draw upon his familiarity with the courts meritless distractions intended to steer JUSTICE as is consistent with constitutional law, into a "rules and innuendo" debate using trickery and deceit to avoid all connection with either JUSTICE/ GUARANTEED CONSTITUTIONAL RIGHTS/ FAIR PLAY/ THE REALITY OF FACTS FILED/ and any other portion of law they do not wish to abide under, protect, or defend for the people of this state or nation. Rather they dilute law with displays of ridicule/ never once accepting the rule of democracy: that we the people own this nation/ we the people own this courtroom/ we the people have the authority and sovereign immunity under constitutional guarantee: TO DO what we believe is in our best interest. That includes protecting ourselves by using the court to establish the standards that our employees have set, and declared in our best interest. I will not be returning to state court, that has proven to be pointless/ and if I did, then you would say to me go to state appellate jurisdiction/ which is also proven to be pointless.

I turn instead to article 3 of the US

CONSTITUTION, and declare this is a matter between the state of ILLINOIS and me: I demand the fifth amendment of the IL constitution shall be kept, and granted to me as described in courtrooms and lawsuits I have presented. YOU are entitled to obey article 3/ and prove the contract between the people of IL, and its citizens (of which I am one) shall be kept. As it is your job to do.