

In US DISTRICT COURT
CENTRAL DIVISION, FOR THE STATE OF IL
201 S. VINE ST, URBANA, IL 61802

DATED July 5, 2011

case # 11-2111

JAMES FRANK OSTERBUR
2191 county road 2500 E. St. Joseph IL 61873
<http://www.justtalking3.info>
Vs

STATE OF ILLINOIS
GOVERNOR; P. QUINN
207 state house, Springfield IL 62706
ILLINOIS DEPT OF REVENUE; James R Thompson center, concourse level 100
W. Randolph st, Chicago IL 60601-3274
IL Attorney general: LISA MADIGAN: 500 S. Second st. Springfield IL 62706
CIRCUIT JUDGE, THOMAS DIFANIS; champaign county courthouse 101 E.
Main st. Urbana IL 61801
lawyer for the defense: Joshua I. Grant; 500 S. Second st. Springfield IL 62706

MOTION TO SUPPRESS, and discard
the defendants filing “motion to dismiss & memorandum plus his motion for
sanctions & memorandum”
further
MOTION FOR SANCTIONS added

On the grounds that it represents an illegal act, a contempt for due process and this court. Based upon the simple fact: that this filing does not represent the same document in its entirety that has already been supplied to this plaintiff and reported to the court, by the defense lawyers' letter; sent with my reply to this action June 14th. Wherein I do suggest the defendant file his motions, as I have filed my reply. BUT THAT did not include change; “measured side by side; dozens of pages more.”

PRIOR to my filing of a reply within the courtroom of this district court: the establishment of a defendants letter to me. The defendant had a right to change his motion. **BUT AFTER I FILE MY legal REPLY:** he has only the right to file the motions sent. This filing is representative of subversion, deceit, and denial of DUE PROCESS; that he asserts there can be change, in his document; even though it has been legally noted by the record. That is illegal/ the record has been changed: because my reply to his motions and memorandum have been filed. “He cheats/ and proves contempt continues”.

Should there not be sanctions against him and these defendants. Should there not be reversal and denial of sanctions within the circuit court against me. The previous case 10 MR 853 quashed by the judge. Which means it no longer exists in this court as a proceeding; it cannot simply be continued. Proof, as was filed in this case 2111: **demanding documentation**, be provided to me: because of **a lack of jurisdiction**, is in the hands of this court/ a denial and usurpation of due process .

The failure to respond by the lawyer or the defendants charged/ or the judge responsible for those sanctions, in that act of tyranny, prejudice, and the reality called a criminal act. Which asserts that power without jurisdiction can be applied to me, is illegal.

In that circuit court, wherein this trial extends from: The demand is and was: the judiciary/ the governor/ the attorney general/ and the state IRS: **MUST OBEY CONSTITUTIONAL LAW.**

THEY REFUSE. Choosing instead of law, to prejudice and assume the perjury of continued lies within a courtroom of law is evidence. Demanding instead of constitutional basis for refusal,

(the right of the people to be heard as owners of this state/ to make their own decisions when in doubt of their leadership and demand accountability from their employees)

That I should be sanctioned, because some damn judge asserts and hides behind words like “incomprehensible/ frivolous/ etc”. There is no immunity for that: it is open rebellion against democracy itself/ therefore treason.

WHICH PROVES, this case cannot be dismissed by a volume of words without meaning in the context of constitutional guaranteed rights. OR IT BECOMES A TREASONOUS ACT, using the very foundations (as is the courtroom) of our government to deny and destroy our democracy. Our ownership, as “we the people”.

This case is simple. This case is comprehensible. This case is absolutely and without doubt critically bound, and fundamentally aligned with the single and only real dispute that exists as this trial.

WILL THE US DISTRICT COURT, for the nation Called the UNITED STATES, of America. Enforce the constitutional guaranteed rights of this citizen on the state employees of this ILLINOIS. Making them OBEY THE LAW.

There is no other controversy in this case of substance/ there is no other filing in truth, beyond the demand:

**GIVE ME MY CONSTITUTIONAL GUARANTEED LEGAL RIGHT TO:
REDRESS OF GRIEVANCES FOR THIS PEOPLE, AND FOR ME.**

Any further filing by the defense which disregards this singular truth, as do these motions: is defiance/ is denial of oath/ is destructive to the law/ is traitorous to democracy/ and is analogous to anarchy; in its lower state. **That this is a constitutional law case, based within and upon the state of IL constitution guarantee legal right for redress of grievances to each and every citizen in this state called IL.** Of which I am one. Is certain. That denial of this fundamental called trial, by continued assertions, deliberately in rebellion against the facts of this case by the defense is in fact a CRIMINAL ACT. An act against the people of IL, who do have a right to be afforded and respected: BY LEGITIMATE DUE PROCESS. Or more simply: constitutional law, and why you get to disobey that law/ ARE your only lines of defense. There is no implied authority or powers, greater than the democracy of this state of IL; and OUR RIGHT as owners/ your duty as employees. No immunity to disobey your oath of office to protect, defend, and obey the constitution: for the purpose, and by the demand, of WE THE PEOPLE.

No more games, no more delusion or fantasy or sanctions/ you have no right based upon or within the truth that this is substantively in fact: A trial, that has no right to exist under IL laws (only federal)/ which means in legal terms: NONE of these defendants have any immunity, nor any right to an assumption of superiority in this federal court. Which means dismissal can come only under the laws of constitutional enforcement, between a state and a citizen, as granted by the United States Constitution. The question being:

Because I demand the law, how is it necessary; that I must fight: “our employees of this state that refuse to obey it”. IT IS MY GUARANTEED RIGHT!

I am owed the law/ OUR CONTRACT as a people which is our constitution, our bond as state or nation/ their oath: DEMANDS OBEDIENCE. They have no right to disobey the IL constitution: which means *THIS IS THEIR REBELLION*, the act of a TRAITOR against this democracy; WE the people called IL.

Are there no sanctions/ no criminal penalties for anarchy? Answer the question! Or prove I have no right called redress under the law called our constitution for this state of IL. ***Prove the US FEDERAL COURT shall enforce our right as WE THE PEOPLE of IL.*** Or any continued illegal actions will find me filing a criminal case in IL: against the defendants listed, and/ or the federal court for failing to do its job.

I provide the original motion filings, sent to me: motion & memorandum to dismiss to the court as plaintiffs exhibit A. And his motion & memorandum for sanctions as plaintiffs exhibit B. All title pages marked “copy”. None dated.

The clear intent to extract my reply before they file their motion. It is: A method of deceit/ a reality of subversion, as that is not consistent with “fair play”/ fundamentally disavowing the rules of a courtroom THAT IS devoted to DUE PROCESS. By CHANGE in this document; pretending to be something it is not, a filing in court, and the opportunity to extend a personal choice, rather than a legal one. By reality: It is a fraud, and a conspiracy by all parties within the defense to lure and capture/ rather than obey the law, or seek justice through fair and legitimate process through the procedure of law.

AN ACT OF DEFIANCE against, the legitimacy of a federal court. Or an assumption of collusion and conspiracy whether declared or assumed.

The defense: *Having failed all descriptions of “good faith” compliance with the law. Having ridiculed the courtroom, and defied the constitution of this state of IL BY REFUSAL to obey proper and true descriptions of DUE PROCESS as is identified by the reality: even though this is a constitutional law case, the defense has refused to comply with the rules of the court. TO STICK TO THE LAW, and answer the questions presented. Instead: like any other prostitute, the defendant chooses instead to fuck for the money. That is now a definition applied to “strict scrutiny” 220 US 61,78 ; THESE ACTIONS are without any reasonable basis, and therefore purely arbitrary.* That fact and the proof of a

history provided by the defense, and testified to thereby: of a history of, such purposeful unequal treatment by the judiciary that 411 US 1,28 now comes into play. This being the demand by the judiciary to remove, disgrace, deny, disrespect, LIE/ CHEAT/ STEAL, and in all other ways and means deny to a citizen of this state and nation: HIS DUE CONSTITUTIONALLY GUARANTEED RIGHTS. A reality that can only be conceived of, because of our UNEQUAL standing in a courtroom of law. If the law rules/ I win. Because no matter how they squirm, deny, or disgrace the constitution with their prejudicial acts: THE LAW, IS THE LAW. Simple and plain; prove the constitution, is wrong! OR DO, as your oath demands; “Serve WE THE PEOPLE” with justice, by compliance with our contractual demands upon you..... That is the constitution and its purpose. To control and hold our employees accountable/ and prove we the people OWN this state, and this nation. Nobody rules, not even the judge/ ONLY THE LAW, as we the people decide and approve that shall be.

MOTION FOR SANCTIONS; in the form of ALL ILtax related discrepancies as have been noted and filed in this court shall be discarded and removed from the plaintiff. The foundation of frivolous, by the defense/ incomprehensible within the foundation of IL constitutional law/ patently without merit in terms of law or justice/ colorable only to a traitor/ clearly defiant against the people and this democracy against the state of IL. Actions repeated without a reasonable or valid basis in law: because this is a constitutional case, and the defense squirms and worms and lies establishing vexatious, and a purpose of rebellion.

For that and more, the costs of a courtroom, in each and every case that can be proven to have been lost without the validity of law/ nor the purpose of democracy/ and in complete defiance of we the people. There must be sanctions. The evidence is clear. I am the defender of democracy/ the citizen in support of justice for life and the guaranteed rights of constitutional law: therefore in any subsequent filing, or case; it is the state of IL that must pay, including fees equal to what they would charge to me. This is your job/ yet I AM FORCED to defend the constitution against liars and fools. **I am doing your job/** you are trying to destroy the very foundation of society, that employs you. You, break the law, the oath of office you took, that is a criminal offense; the IL irs charged with complicity in these matters, a failure to protect and defend. Its more than a job, this is our society, and our future.

Prove the constitution is wrong; or surrender its guarantees to me, and to the people who gave you your job. Anything less is either tyranny or rebellion for the sheer purpose of destroying :WE THE PEOPLE. Prove it is not so.

PROOF OF SERVICE: I, James F. Osterbur, do hereby declare and submit; that I have placed in US MAIL with proper postage prepaid; this filing in its true and accurate form by first class mail within the US POSTAL SYSTEM, with proper addresses attached to each and every defendant. One mailed to the court. On this day July 5, 2011 Or simply hand delivered to the court at my preference.

plaintiffs exhibit A is not sent in this filing as it is a copy of the defendants own work/ a representative letter from each defendant; and they have their own.