

IN US DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
100 N.E. Main street, Peoria IL 61602

dated: 1/ 24/ 11  
case 11-cv- 2023

Extending from Champaign county, Urbana IL  
trial# 10 MR 906

JAMES FRANK OSTERBUR  
2191 COUNTY ROAD, 2500 E, ST. JOSEPH, IL 61873  
the electronic file is at [www.justtalking3.info](http://www.justtalking3.info)  
V.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
box 19281 Springfield IL 62794-9276  
IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.  
Box 19281 Springfield IL 62794-9281  
Environmental protection agency for the USA, Chicago office IL:  
US EPA region 5 Ralph Metcalfe Federal building 77 W. Jefferson blvd Chicago  
IL 60604  
Department of OSHA for this USA. Chicago area  
701 Lee st. Suite 950 Des Plaines IL 60016  
Department of traffic safety for IL  
box 19245 Springfield IL 62794-9245  
Department of human rights; 100 W. Randolph st. Chicago IL 60601-3218

**PLAINTIFF RESPONSE TO FILING FOR REMOVAL.**

The removal of case 10 MR 906 from its summons to state court/ into the federal district court in Peoria IL (By its notation on the outside of the envelope addressed to me: is now case 11-cv- 2023) no formal notice given with regards to case number change.

This notice of removal comes through the district court in Urbana, IL/ but is moved to Peoria for reasons not made clear.

Nonetheless this notice of removal states: (1). On behalf of the US EPA

AND OSHA the attorney Mr. Brost. Submits “that I have demanded these agencies are in part responsible for reducing or eliminating the noise produced by a grain elevator in the town of Royal IL”. *A VERY definable and real form of pollution with known consequences: creating damage and harm to human beings and without doubt, other life as well.*

More clearly, it is submitted because this grain elevator corporation or business operates in more than one state/ the question arises, IF INDEED this is a national or merely a state question with regard to the EPA. That question has now been answered with removal to federal court. Interstate laws do apply, and are present in any constitutional issue, as this is a distinct part of article 3, section 2.1. The introduction of OSHA the agency in charge of protecting all workers in this USA; is without doubt or question required to investigate as the response to osha not included in this listing of evidence clearly defines. It is re-sent, so as to be an adequate, and legal presentation of the parameters and meanings of this case.

In his subsection 1/ at the bottom of the page: statements are made, reinforcing the demand for enforcement of deliberate standards, as are applied to be the rule of law in a society. Wherein facts have already been assembled and proven: it is essentially or factually illegal to harm people by the deliberate actions of another. That leaves only the measurement of harm to be debated/ the standard to be maintained. That is a matter of law, not illusion. The foundation of this complaint comes; as is represented in this section, because this elevator has now substantially increased in size/ noise/ dust/ traffic/ and impact on this community; without the consent of the public, or its ability to choose. The result of that has become an increase in noise, etc; beyond the standards that are clearly intended to protect life and environment from being damaged in this area; by their decisions/ not ours. We have a right to defend ourselves/ the invasion of noise is an enemy that damages lives/ represents life altering consequences, which include deafness/ and in some cases suicide is known to occur simply because of ear damage .

I thereby seek the employees of government to do their job and ascertain the levels of pollution, be it noise or any other: so as to protect and defend our lives by the standards our government employees have stated: are dangerous, damaging, or require clear and distinct warnings so that the people can protect themselves. Filed with this complaint accordingly: because you are the regulators, or more specifically the people employed: in charge of stating whether these standards have been met or crossed. Thereby illuminating the courtroom should this matter proceed to direct legal action against the elevator

itself. Your question is: the professional, legal, governmental, standard: being MET/ OR IS IT NOT. The consequence of employment by our society, “IS the reality of this test in employee duty, response, and responsibilities; to we the people”!

This pleading needs no legal citations, as they are frivolous and without bearing to this case. **Justice and fair play are NOT assembled by rules/ they are proven by rights, and their enforcement.** Your job is to insure the protection of this people and me/ by assessing direct and definable standards and measuring the base limits that can or would be used in court: as this people defending themselves; should you refuse to be further involved.

**There is no intent to shut down the elevators operations/ no desire to move them out of town/ no purpose in altering the foundations required by the agricultural community of which I was born and raised. THAT HOWEVER, is not the issue of this case.** This case is brought before the court to establish standards that must be met, and if not: THEN clear warnings that must be given to the people of this area, with regard to damage or potential damage, being done to their personal lives by the decisions of others. That is your job. If it becomes necessary that alterations to this elevator in terms of noise or size of the facility is established: that is either a judgment made by the employees who must enforce a standard/ or by the town & me, which must live with the noise and its consequences. Or by both in whatever compromise among all parties is deemed most suitable for our lives.

*This is a legal question requiring the decision: EITHER THE known STANDARD OF SAFETY FOR HUMAN BEINGS is the purpose within those regulations, the work of these employees. OR THESE AGENCIES PROTECT only the money, the interests of business, and thereby abandon the essence of life; which is LIFE ITSELF, for a planet, or a specific environment; must come first.* That means I as an individual, cannot contest that all involved shall choose with me/ rather WE THE PEOPLE shall choose for ourselves, instead of being forced by those whose only purpose is greed, and the abuse of our lives.

Because this is now a federal case: pollution mediation expands.

The fundamental impact of elevator pollution does also include **what cannot be directly measured: because it is impossible to ascertain.** As is the case of dust pollution from the endless sea of genetically mutilated seed production here in this area. It is not genetically engineered, nature did not do this! That means it is nature mutilated by people who seek either ease or money and its consequences. NO POSSIBILITY EXISTS, that the effects of genetic

mutilation can be measured, until disaster happens/ only then can we know if the very nature that keeps us alive HAS DIED, and so then shall we.

No possibility exists: to know long term damage/ to know what repeated breeding will do/ to know what sterilization has caused/ to know the impact on each or every biological life form, insect, reptile, bird, mammal, human; OR ANYTHING ELSE regarding the consequences of this mutilation of nature. All we can know is that the dust, which has been mutilated/ even though it looks the same as dust that is from natural causes; HAS INCREASED, in the air on the ground, in the water and in every biological life form that eats, breathes, reproduces, or poops it out. The assessment of an indefinable standard; is then akin to "I stuck my hand right in the chemicals/ and nothing bad happened to me; right then". That simple determination; has nothing to do with future impact, and consequential death. Because its nature, the single most life threatening pollution of all historical time: IS THE GENETIC MUTILATION OF NATURE. Either prove by clear science distinguishing the basis and foundations of what life, meaning all life can expect from these polluters, both now and in the future. Or cause them to stop gambling with our world! That too, is your job.

(2) I accept the date for a beginning/ and admonish the court for the poverty or lack of professionalism with regard to its failures to properly identify and provide all the necessary materials and information with regard to summons; prior to that moment. I suggest to the court, that its job is to enforce judicial due process on the champaign courtroom , located in Urbana IL. Which has in effect stolen from me my day in court/ by refusing to answer in any and all descriptions of a right to proceed. Thereby it is your job/ having been made aware of failings within this courtroom of a state/ to do your job as a federal entity and establish the courtroom and its reply within a legal framework for cases by this plaintiff as filed in the champaign county courthouse/ the state appellate court/ and the state supreme court; which refused answer even though I have their signature on certified mail: for case 10-MR- 766 All current cases are at [www.justtalking3.info](http://www.justtalking3.info) For simplicity, instead of sending transcript; you are instructed to look there or contact the respective court, to assess and determine IF DUE PROCESS HAS BEEN MET. I say, it clearly has not! Its your job to guarantee me, constitutional rights; both state and nation.

(3) No argument is offered with regard to moving this portion of the trial 10 MR 906 to federal district court. It opens the door to legal demands of enforcement as

is required by your employment in this our government of the people. That asserts: the protection of all the people has been established/ and a clear and accountable reason must exist, if that job is not done. The standards set, are not enforced.

(4) NOT all copies exist in the documentation received/ therefore I send the rest entitled; “Osha response/ and plaintiff response to osha” plus the plaintiff exhibit b/ also missing.

(5) No argument is offered.