

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

APPELLATE CASE # _____

THE CASE APPEALED: 10-2257

dated: March 18, 2011

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
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

IN THE US COURT OF APPEALS

the appeal of case 10-2257

Judge David G. Bernthal

US district court for the central district of IL/ Urbana div.

Report and recommendations established 3/15/11.

"The court recommends dismissing this action as to all defendants."

**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.

Dismissed for lack of a short and plain statement of the claim showing the pleader is entitled to relief. Refers too “...a count 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.**

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 “of the people/ by the people/ and for the people” . The judge fails, and is attributed to the call and cause of rebellion against the 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 entity, loosely called “government”. Without doubt it does. The judge fails; as did so many others 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;

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 prove wrong. HOW IT IS this is not worthy of investigation, and proving what is real about this gamble with life on earth. 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.

OPEN the door to 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.

**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.

**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
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

added is:

US attorney for the central district of IL

DAVID H. HOFF 201 S. Vine st. Suite 226 ste 218 Urbana IL 61802 / us
attorney

and the US DISTRICT COURT, 201 S. Vine st. Urbana IL 61802; wherein this
appeal begins.

Judge Bernthal decision is affixed ONLY to the US APPELLATE court/ each
other has already been informed by the district court.