

CIRCUIT RULE 3(c) DOCKETING STATEMENT

DATED 6/1/10

case: 10-2146

appealed from US central district court 10-2055 judge Harold A. Baker presiding.

James F. Osterbur vs. USA, STATE OF IL, ET AL.

to the clerk of this appellate court.

Established by your letter rule to show cause May 25, 2010

RE: IS, the fact that I am threatened by a clerk of this court/ not only with the assumption that JUSTICE is of less importance than a rule, created and demanded by a clerk of the court/ but with monetary damages dependent upon whether this clerk: Pamela E. Robinson believes that I have submitted a suitable form/ that has not been provided to me. Neither has the rule so deliberately intent upon displacing justice been provided as to its true and legitimate content. Rather this is an assault upon me established without consideration of the fact that I AM pro se/ and entitled to clear and sufficient help to insure that I DO FIND JUSTICE/ AND THAT I WILL PROVIDE WHAT THE COURT ASKS; because the court clearly and deliberately chose to choose justice and the constitutional intent. 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. 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. So too, has the oath of office demanded of a judge established: to honor and protect, both the people and this nation. There is no honor in your letter/ no dignity in your intent to fine me or suggest dismissal. 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. 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 this evidence shows.

Further, as of this date; the clerks office has NOT returned their opinion as to the draft brief that was sent with this appeal/ so that it could be verified prior to the fifteen copies you request. A service your own papers offer. That means either the clerks office is deliberately holding onto this text Fully and deliberately intending to dismiss this case because of a lack of fifteen copies sent. WHEN IN FACT, it is your failure/ not mine. That is an issue that will not be tolerated, because it is in fact adverse possession: the hostile intent to claim a right of title (to dismiss)/ when in fact, it is your work that is lacking/ not mine. That 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, whose only purpose is: to demand “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.

Circuit rule 3(c) is merely a form for all intents and purposes; and if you want little more than a signature/ then provide the form in clear detail yourselves. The prejudice is plain/ the purpose is simple: this is a threat subjecting the pro se litigant to nothing more than “a test”/ by which those in the corruption of power, who assert and assume: We will simply change the rules, and discard the law and litigant/ because who can challenge us. As is “the color issue” of civil rights particularly from the 60's / so is the “legal education” to the reality of pro se in the courtroom of this USA. The assertion, “we are better”, simply because of an insignificant difference. The reality: 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.

As to the docketing statement itself, the critical information was provided to the court, as a handwritten notation on the form sent by the court requesting who would be lawyer in this matter: it is me. Although I did not send that to the other listed parties involved, because they do already know; by virtue of the past. Consequently they do have all such information.

Again, the 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 10-2146

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 from district court 10-cv-2055 as you well know judge Harold A. Baker presiding. The only prior litigation that arises in YOUR court/ US APPEALS for the 7th circuit: *are the cases 94-1943 & 94-1944 appealed from federal district court for central IL located in Danville IL at the time: cases 94-2060 & 94-2001.*

WHEREIN the judges of this 7th circuit federal appeals court: ***“pick a facetious, or more correctly factitious lie: choosing to discard the case with a complete fabrication representing 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!***

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. I am here for justice, and that is established by the reality of facts which do create and sustain the authority of law/ NOT simple rules 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 the 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 people as a failure to them: BUT UPHELD BEFORE THEM, as immaculate and clean/ because the judiciary MUST obey the law.

As to jurisdictional statements: the foundation of law is the constitution. NOT ONE LAW EXISTS, NOT ONE ACT OF CONGRESS IS ESTABLISHED, NOT ONE DECISION OF ANY GOVERNMENT OFFICIAL IS ACCEPTED OR VALID WITHOUT THE CONSTITUTION OF THIS UNITED STATES OF AMERICA.

TO ASSERT, THAT FACT IS NOT SUFFICIENT JURISDICTION, IN THE MATTERS PRESENTED WITHIN THE APPELLANTS BRIEF, as a jurisdictional

statement; constitutes a lie. To assume that corruption within the judicial system of America is not a matter for review, and renewed authority to and through the constitution of this United States: is a fundamental percept of this trial. 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: AND IF THE COURT is found not engaged in this battle for honor and for life, 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/ a destroyer of life and values)” by which people are subjected to RULERS. Democracy, is about freedom/ and the integrity required to believe justice will prevail. The honor to fight for what is legally true, and fundamentally necessary as is the duty of every citizen including those who sit behind the bench. 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 and gloat over the people, by that power over access to the court/ whose desire is with the rich, the power, and the pride”: is to be disbanded. Replaced with those who accept their oath of office is true.

Jurisdiction is the ability to hear a case, by having the authority to declare a judgment in that case. The functional reality of a court/ that has already proven its personal contempt for this litigant: has no such authority, and as such must move this case unto the supreme court of this USA. Because the supreme court of this USA has already proven to be corrupt and the instigator of rebellion against redress of grievances as provided within the constitution, to WE THE PEOPLE. They are on trial, and 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, owners, and democracy enforced. Whether I stand as an army of one, with the law and 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, identify, 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. This is a review and determination to stop extinction of the planet. The complete destruction of nature due to genetic mutilation/ BECAUSE NATURE IS, THE GENETIC CODE. Genetics are body, mind, structure, and every critical relationship we require to survive and be alive: NOT A

GAME, LIFE OR DEATH FOR A WORLD. And all other critical realities which endanger us all add to this case: **FUNDAMENTALLY DEMANDING A COURTROOM TODAY.** A beginning list is located on www.justtalking3.info. The true purpose of this case is then **REDRESS OF GRIEVANCES**, by all legal means necessary: To demand, this nation attains the right, the understanding, and the ability to choose for themselves if they will continue to allow “a few damn satan’s (destroyers of everything)” to continue gambling with every life on earth. **NOT A GAME!** Fusion, the bringing here of a fire just like the sun, **IS NOT A GAME!** And there are many more that must be discovered, decided, defined, and established as yes you will gamble with all life/ or **NO** this nation will not gamble with every life, but choose life first for a world. One way or the other; **NO** more falling into the damn pit of absolute insanity, and blaming the others: **CHOOSE** as a nation. This is, the purpose of this trial: **THIS IS REDRESS** for a nation, and it cannot wait. Fail, and the gulf oil spill will seem like a good thing in comparison. I care not, as to judges or the rest. This case is about life first. Because the evidence says, unless you choose truth today/ this world shall not survive. Prove me wrong about all these threats/ or simply give the people their choice/ because it is their lives threatened: and I will stop. Not a game/ not frivolous/ not for fun: **A DUTY.**

All technical data regarding dates and such are fully the function and definition of a court: **THEY ARE YOUR RESPONSIBILITY/** not mine. 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 your job, to assert this appeal has merit/ **OR** fails on the grounds of insubstantial evidence; based upon its subject matter, within constitutional decree. Since you cannot substantiate a lack of evidence/ that being irrevocable evidence within the courtrooms of america from its least, to its greatest: it has merit, as written.

It is **NOT** functionally necessary, in a thirty page or less document to apply irrelevant details: the law requires an interest/ therefore it establishes a trail of evidence when read, as to where and what the document says. Sufficient, unless the judge sleeps. You have my draft brief/ and I await your direction as to very specific details regarding this specific brief; about what is necessary; prior to printing. Examine it/ identify what is **CRITICALLY** necessary: and proceed to trial. These are questions of law, and questions of fact: **WHAT SUPPORTS AND DEFENDS JUSTICE!**