

**IN US APPELLATE COURT
FOR THE SEVENTH CIRCUIT**
219 south Dearborn st.
CHICAGO ILLINOIS 60604

DATED: 5/ 10/10

APPEALED FROM: US DISTRICT COURT
CENTRAL DISTRICT OF IL, Urbana IL
JUDGE HAROLD A. BAKER presiding

JAMES F. OSTERBUR

Vs.

STATE OF IL/ USA/ JUDGE CHASE LEONHARD

THE APPEAL OF CASE 10-2055

IN BRIEF: the interpretation of power as defined by the US CONSTITUTION is for the people themselves/ while their employees are servants to them; given authority only to enforce the laws that obey the constitutional intent and purposes so listed therein. There is NO definable power, over the people themselves: WE ARE THE OWNERS/ we are the power which decides. Because together, WE THE PEOPLE, are the builders of this nation, as a democracy. We the people ARE THE DEFENDERS of this nation/ because we are, the soldier/ the worker/ and the reality of truth that will live, work, or die. WE the people, ARE the inheritors of the guaranteed promises inherit to the constitution which DEMAND: those who gave their life/ their work/ their child/ their time/ or their acceptance of law, as the true protector of us all: SHALL NOT abandon these promises, to the arrogant/ proud/ disrespectful/ or traitors to this nation. It is the court which has proven all four promises are betrayed. It is arrogant to suggest that the constitution shall not rule this or any other courtroom. It is DISHONOR, to insist that a judge has no obligation to be honorable or just, or abide by law or respect for the people who enter a courtroom, or demand a trial by jury if necessary. It is disrespectful to portray the judge as all powerful/ as democracy: "the power of we the people" as insignificant and worthy only of contempt. And it is treasonous to suggest or deny the laws of this land, which are born within the constitution itself: do not pertain to the people as their own government, their own demand for equality and justice from the employees that they have hired to do a specific or

general work for them. We provide the job, WITH RESTRICTIONS on power. WE THE PEOPLE are the power that lives in this nation. We the people OWN the power to call for REDRESS OF GRIEVANCES, according to the first amendment. And NO employee, shall take it away.

Below is the “guardian of law and constitution” of both state and federal district court for the central district of IL; according to the description of his job. His order of termination transpires to give the illusion of law, BUT HIS foundation or subject matter jurisdiction DISCARDS THE LAW, AND THE CONSTITUTION with complete disdain and dishonor. Thereby holding himself above the law, and discarding constitutional demand without the slightest recognition; other than his own disgust. His job, is to obey the law/ NOT discard it. His oath is his promises to OBEY the constitution/ NOT deny it. His ability to sit as judge in a courtroom in this land: IS ENTIRELY DEPENDENT UPON DOING, what he refuses to do. And that means: this judge criminally participates in stealing my guaranteed rights as provided under constitutional law. He makes NO assertion that substantiates his claim/ but relies on assumptions and rulings that have NO POSSIBILITY OF EQUALITY: WITH THE DEMAND FOR MY CONSTITUTIONAL GUARANTEED RIGHTS.

This judge does not initiate or ask for further evidence, but demands “he has heard enough”. Thereby in the case of constitutional law: for this plaintiff “to have heard enough”: the judge MUST ANSWER the constitutional questions/ and identify how it is that this plaintiff has in fact received those constitutional guaranteed rights in this case/ and in the previous case 09 LM 1414 Champaign county court. I HAVE DEMANDED THE PROTECTION OF THE LAW/ THE PROTECTION OF THE COURT, AND ITS AUTHORITY THE FEDERAL COURT. I received nothing but contempt, and the intent to control the case I present; by turning me away from redress of grievances: “The people’s right”. And by suggesting: “We the court are TOO DAMN IGNORANT to understand plain english language”. Conspiracy is rampant/ the courtroom is filled with fraud/ the judge has turned criminal/ the law has been diseased with procedural infractions that gave it to the rich and powerful, to lawyers so they could steal.

The US SUPREME court, being included in both trials by case 08-1339; having been made to answer the simple question before the court: WILL YOU OBEY THE FIRST AMENDMENT REDRESS OF GRIEVANCES? Their answer was NO. The federal district court in 10-2055 when asked to enforce this law said NO. The state of IL court when presented with this law said: “We

WILL NOT understand”. And all chose to defy the american public by claiming: **THEY OWN the court of this United States of America. And they are not alone/ Numerous more cases proving, THE CONSPIRACY TO DENY, first amendment law exists.**

THAT MEANS: redress of grievances is now expanded in appeals, to INCLUDE THE COURTROOMS OF THIS UNITED STATES, as well. WE THE PEOPLE ARE OWNERS! That means, we control the court with redress of grievances/ and OUR CHOICE as a democracy enforced by: Accountability from our employees/ by the establishment of law, as is the first amendment/ by our vote as jury, upon those who threaten to take away our guaranteed rights, or threaten us as a nation or democracy/ and by the evidence and investigation of lies and liars within the courtroom THAT WE DO OWN. No judge owns OUR courtroom, it is OURS! NOT yours. And that means we will determine punishment, for the crime of treason: conspiring with the enemy to destroy this nation and its founding documents/ to bring this nation failure, foolishness, and grief; because those who would not obey their oath, LIED TO US. And withheld us from our own possession, which is constitutional law..

THERE IS NO FEDERAL LAW, WHICH SUPERCEDES OR CONSUMES THE POWER OF CONSTITUTIONAL DECREE! That means what the constitution promises MUST be upheld regardless of any federal law/ because any law that does not uphold the constitution is invalid, and cannot find support. The constitution rules the courtroom/ not the judge/ not the congress/ not the president/ or any other but the constitution itself. WE ARE A DEMOCRACY; AND THAT MEANS: THE VOICE OF WE THE PEOPLE, is held within those constitutional documents, it is their demand for this nation/ and for each and every single employee thereof.

THE COMPOSITION OF CONSPIRACY WITHIN THE COURT AGAINST A FIRST AMENDMENT CONSTITUTIONAL LAW: IS STATUTE ENOUGH/ you have no means to deny. The ruler is set/ the reality is measured: the consequences to those who criminalize the courtroom by denying first amendment law, OR any other constitutional guarantee denied. DEFINE A FELONY! Because WE are the owners/ and this is OUR PROPERTY: and it SHALL NOT BE STOLEN FROM US.

THE EVIDENCE OF CONSPIRACY HAS BEEN ESTABLISHED by the courts: Champaign county 09 LM 1414, US DISTRICT COURT, US SUPREME

COURT 08-1339; as well as others presented in conjunction with this case. THE REALITY OF TREASON AGAINST THIS PEOPLE HAS BEEN formulated as a threat to the DEMOCRACY OF THIS NATION. In clear and irrefutable evidence within the courtrooms of this USA and state of IL: thereby no allowance is given for desertion of duty. The court MUST INVESTIGATE AND PROVE: “Truth or lie, because the nation demands it. THE DEMAND AGAINST THIS APPELLATE COURT, AND ITS JUDGES IS: **OBEY YOUR DUTY TO THIS NATION!**

TRIAL IS REQUIRED, TO IDENTIFY A THREAT : and protect a nation. The description and position and purpose COMPOSED AND DESIGNED by THOSE IN OPEN REBELLION AGAINST THIS NATION, AND ITS LAW: *DOES NOT, allow for immunity.* The charge is treason: THE INTENT TO DESTROY A LAW THAT LIVES WITHIN THE CONSTITUTION ITSELF. A LAW THAT PROTECTS AND DEFENDS , “WE THE PEOPLE”, from our leaders. “THEREFORE, AN ACT OF WAR AGAINST DEMOCRACY: AN INTENT TO AID AND ABET THOSE WHO CORRUPTED THIS NATION, OUR MONEY, OUR FREEDOMS, OUR WORLD, AND OUR LIVES”; and keep them from accountability and justice.”

The people may decide for themselves what that punishment shall be. Accountability is not a game, **it is our right as owners.** As WE THE PEOPLE, OF THIS UNITED STATES OF AMERICA.

This case now extends too: the issues and realities of liberty, the consequence and determination of SELF GOVERNING, and the purpose of this people for themselves, this nation, and this world.

REDRESS TRIAL, IS DEMANDED.

The second question presented to the court is: WHO RULES this nation, constitutional law/ or the employees who have given their oath both to protect the people and the constitution as written; defined by the purpose the creators wrote in their preamble: “the cause and reason why, we will join as a nation”. The bill or rights demanding: in section 2: that all power is vested in and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them. section 4: that no man or set of men are entitled INTERPRET and establish what is corruption in the court, and what is NOT corruption in the court.

The third question presented to the court is: the constitution states in article

3: “the judges.....shall hold their offices during good behavior..” And explain how this became “immunity against bad/ or we CANNOT dismiss you at our whim or by regulation of age or time spent” in this our nation/ where you are employed by us. In article 3, section 2. 1 “the judicial power shall extend to all cases, in law and equity, arising under this constitution...”. THERE ARE NO EXCUSES for abandonment of this case, WE THE PEOPLE, this democracy and its working power called the right of this people to choose for themselves. That means redress, and a courtroom to separate the lies and the liars/ from what is true! And the means to establish OUR AUTHORITY, as WE THE PEOPLE; by whatever method we demand by vote. NOT a vote for someone to vote for me/ BUT MY VOTE, FOR THE LAW, AND WHAT IS VITAL FOR THIS NATION AND ITS FUTURE. “*OUR AUTHORITY, NOT yours*”.

{NONE are more powerful than the law, this is the law talking to you/ as designed by the CONSTITUTION OF THIS UNITED STATES OF AMERICA. The failure to obey, is a traitorous act/ when that act involves rebellion against the law; thereby against this nation itself, and its people.}

OUR DEMOCRACY, IS our right to decide for ourselves/ not simply a vote, but the truth provided and presented: by whatever means necessary (as in accountability and court) to determine: the decision and direction and definitions of what our future, our nation, and our participation in this world, shall be. Treason is a charge against ALL THE PEOPLE/ therefore apart from the reality, I stand as a citizen doing my duty/ it is the nation that now demands redress: because the crime is against democracy. The reality against this nation called the United States of America. As a citizen, we are equal; the constitution talks for us all. That agreed upon law demands: those who war against it, shall be defeated.

RE: the appeal of case 10-2055: terminated by judge Harold A. Baker may 5, 2010 is unconstitutional. Established May 7, 2010 as written below, in furtherance of the pathway, or preparations for trial.

In consideration of his order/
the beginning of appeal

It is clear, that the court understands that I am not happy with the price charged for services I did not accept and in fact specifically stated: I DO NOT want this.

The judge simply discards: my demand to address this case under the terms of redress as applied under the first amendment of the US constitution. Simply discards my demand: to make the state of IL obey, the US CONSTITUTION and apply the law that is redress of grievances as granted by the US CONSTITUTION. IT IS THE LAW. And the judge answers it not.

The judge fails to recognize his duty in applying the law: that is due process/ as I am threatened with NO DAY IN COURT by judge leonhard, unless I do things his way. Which in no way is identified “as the law”/ no judge is the law; in a jury trial, the judge in no way has the right to take over judgment of this case by determining the answer himself. **By law, that is for the jury to decide. The judge fails/ and this judge conspires to retain an authority he does NOT own, in conjunction with the first judge. This is NOT due process. Because a judge is allowed only to conceive and direct the jury in its decision, making certain the process of evidence is fair to all.**

This judge rightly declares the US supreme court is implicated and must be held accountable/ but does nothing in the quest for justice, but assume he himself is unaccountable for his own decisions.

The issues of court return to the seventh amendment which states I DO HAVE A RIGHT, in controversies of any significant value: TO MY DAY IN COURT, BY JURY TRIAL. A judge cannot by law deny me that. That is the law/ and there is no alternative to obeying that law. The judge trespasses against the law, and me; by denying access.

The issues of court return to the fourteenth amendment, which states: I DO HAVE A RIGHT TO THE PROTECTION OF THE LAW, wherein it is proven by this amendment that no employee of government or the court shall stand against that right without the assessment of treason against him. That citizens do have protection from their government officials by the declaration of a “jury trial”. Thereby removing the tyrant, by removing his or her power to decide. It is the people who decide for themselves as is guaranteed by this amendment/ not the judge. This judge stands against the law.

The issues of court return to the first amendment, which states: the people DO HAVE A RIGHT TO LEGALLY PETITION THEIR GOVERNMENT, AND MAKE THEIR EMPLOYEES ACCOUNTABLE TO THEM. It is tyranny to demand otherwise/ it is blatant and true rebellion against the democracy that is this UNITED STATES OF AMERICA.

The issues of the court return to the fourth amendment which states: “THE RIGHT OF THE PEOPLE, to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures....” This **case of which I**

amended my complaint in county court: by demanding the federal court make this lower court OBEY THE LAW. That defendant: Is determined to seize my property over a reality of distinct controversy. It clearly points to trouble for the common citizen in financial healthcare differences in power to control life. And as such clearly proves the possibility that WE THE PEOPLE may or may not wish to address this in redress before the court and the people of this state and nation: exists. That is for the people to decide, I simply demand a jury to choose our right, under that first amendment law. It is their decision to make as indicated by the terms presented in this case. Anything less amounts to slavery/ another violation of law, by the court which refuses to obey the people, and their law according to constitutional edict and demand.

This judge attempts to hide reality, by disguising it with latin / just another tyranny intended to control the public by making it impossible for the common man or woman to understand: GO BUY A LAWYER, is his demand. NOT democracy/ it is tyranny. The claim stated remains: MAKE THE LOWER COURT OBEY CONSTITUTIONAL LAW. AS IS THE JOB, of this federal court, and all its associated courtrooms. The judge states: “We are fully briefed one and all”/ which means clearly HE KNOWS, AND HE EXPECTS ALL PARTICIPANTS TO KNOW EXACTLY WHAT WE ARE TALKING ABOUT IN THIS CASE. There is no delusion/ the court knows! That means the judge, being fully aware of the laws that are in evidence here: constitutes a criminal action by denying the law. By denying his job to make the state of IL obey the constitution of this nation. And by conspiring to dismiss and terminate the obligations of a lower court judge/ and the guaranteed rights of a democracy called WE THE PEOPLE/ not you the rulers who get to do anything you want. The law intervenes to dismiss and terminate that opportunity from a judge or any other employee of government. The jury intervenes to dismiss and terminate, the intent of a judge to control or decide what is the law. This democracy intervenes to prove: WE ARE THE OWNERS OF THIS COURTROOM, not a damned judge. But we the people, and OUR LAWS, AS DELEGATED by constitutional reality and truth. The first amendment redress of grievances is our law, to protect ourselves from “employees of government”/ through the courtroom we provide for ourselves. Our government/ our law/ our rights: YOUR JOB/ YOUR OATH TO OBEY/ YOUR RESPONSIBILITY, OR TREASON.

A judge is immune from unreasonable claims or the intent to sway due to any form of threat. This is not threat, this is THE LAW DECIDES/ AND A JURY HOLDS THE KEYS TO WHETHER I AM RIGHT OR WRONG, within the case 09 LM 1414. Not a judge. By law, I am entitled to be heard in trial in this matter:

and NO JUDGE can deny my right of access/ regardless of “his or her opinion” of my case. It is NOT their right to decide: this is a democracy/ and we the people decide according to law. Judge leonhard remains within the concepts of this trial/ because his actions in declaring “I CANNOT UNDERSTAND/ what plainly he could understand” is the evidence of fraud. The criminal intent to take away the rights and values of my case and transform them into something entirely different. He is NOT BY LAW, allowed to do that/ because he is not “the king” over his courtroom/ but a servant of the people. To be a servant of the people: HE MUST obey the law, and NOT interfere in the demand for justice. He defies therefore the rules of procedure/ by blanketing the case with lies. A criminal act/ WHICH IS NOT allowed in a courtroom of law. Let the court, declare this is not so/ and prove why a criminal is immune.

In opposition to the judges claim that my guaranteed rights as a citizen of this state and nation are “insignificant or invalid” to a claim for protection from a state which refuses to obey the first amendment right of a citizen. PROVE IT BY LAW. The constitution states otherwise. Make your case under the constitution BECAUSE IT IS THE AUTHORITY WHICH GIVES YOU THE RIGHT, to make any judgment at all. Without the constitution, the courtroom is invalid, as is the nation called democracy/ and the judge merely a gangster enforcing his or her own rules. Prove it is not so.

As to subject matter: crime in the courtroom of this USA constitutes a valid claim for intervention and definition by the jury of WE THE PEOPLE. Conspiracy to DENY A FIRST AMENDMENT LAW, by the courtrooms of this USA: constitutes a valid and real claim for intervention and definition by the jury of WE THE PEOPLE. The illusions of grandeur and supremacy against the people by the court: DOES constitute an invasion/ rebellion against the laws of this land, the constitution of the people of this USA, and a threat to our sovereignty as OWNERS OF THIS NATION: WE THE PEOPLE. The failure of the federal court system to obey the rule of governance and demand the state of IL SHALL obey the first amendment to the US constitution is without doubt: critical failure by the employees of government which must be held accountable: must be held accountable to their oath; must be Held accountable to the people who employ them to do their jobs. THAT DEMANDS REDRESS OF GRIEVANCES; and a courtroom to define and determine what changes we the people shall make for ourselves.

This case is appealed. The judges, SHALL be held accountable.

James Frank Osterbur

plaintiff electronic file is at: www.justtalking3.info