

IN THE US DISTRICT COURT, URBANA IL

CASE 11-2023

DATED 9/ 19 / 2011

JAMES FRANK OSTERBUR
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VERSUS

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OBJECTION TO RULE AND RECOMMENDATION IS FILED.

Judge David G. Bernthal presiding.

I, the plaintiff object to the conclusions of this court/ as they do not reflect the simple truth of the lawsuit itself/ this democracy/ or the state and federal constitutional grant that is redress of grievances guaranteed to me, and to each citizen HAS been removed from the courtroom by defiance of the court, to this constitutionally guaranteed state and federal law.

The district court is fundamentally moot on that law/ as they have suggested transferring their right to decide, back to state court. Or in the alternative, must move it to the US supreme court. The plaintiffs extraordinary writ, based upon this case alone, moves this case forward/ that means a desertion of duty has been noticed.

The court lies in accordance with the its remand to IL state court/ as they know, almost certainly; that this judge could know. That I have been effectively removed from the courtrooms of IL, both state and federal. And by the consequence of money and lawyer fees thereby removed from proceeding in this case by any other means possible; as I am now required to have an attorney present to claim “my guaranteed rights”. A conclusion accepted and established by this court, through judge Baker, and authorized both state and federal, in case #11-2111 at the federal court level as well. The reality of this ruling; then orchestrating an end to the case, by the delusion of state law; which has already proven itself not only incompetent; to the task of constitutional law/ but not revoked, as is the law under article 3 US constitution, by federal intervention. Rather the state and its lawyers prove, they are critically devoid of obedience to IL constitutional law, to US constitutional law, and the democracy called we the people of IL.

The fundamentals of this lawsuit are;

1. That there are limits to the amount of personal freedom, when that freedom constitutes an invasion upon the rights and property of the rest. That is called liberty: and is allowed within the confines of democracy, as our freedom in society to decide for ourselves what is fundamentally shared responsibilities.
2. That there are limits governed by the liberty of this citizenry, to decide for themselves what or who has exceeded the terms of a community business; wherein we do want this business in this size/ BUT WE DO NOT want this industry changing our lives because it has expanded or changed beyond our expectation as

a community/ thereby multiplying the impact on our lives. *[only the court suggests I would want this elevator shut down/ NOT me. That is not true, however limiting the size; recommending that smaller elevators in the surrounding towns be given the reality required to continue to exist, and sustaining an impact on my life and other lives that IS WITHIN the standards known to NOT cause personal damage in hearing or other areas is my recommendation. By the legal means of acquiring evidence and sustaining a courtroom, before all the people, to investigate the truth].* IN OTHER WORDS, this business is necessary and thereby desired for the community/ BUT NOT beyond the point where it truly is a community business and does NOT adversely affect the community in ways that cause pain/ loss/ undue hazards for children/ property devaluation/ or ANY other costs which we the people affected by this business must pay for: **their profits, wants, or pride.** Not ours/ that is unfair. The tiny amount of property tax collected does not constitute a fair exchange. Even so, the opportunity for the community to decide, by vote; for themselves, is the purpose of this lawsuit/ rather than being “run over” by the power and greed of money. **Liberty is a constitutional decision; therein the court is called to decide if in fact WE THE PEOPLE shall rule here/ OR the money is ruler, and we have no say. That is a fundamental constitutional question involving this entire USA. “Clearly, we the people”.**

3. As is plainly established in *case 10-2277 (page 2 report and recommendation)* an Urbana district court case recently ended; now a case established in both writ & appendix; in the US supreme court 11-100. A case, Demanding protection from countless threats that can in fact cause our literal extinction from this planet, or undue harm in all facets of life, future, and living due to the arrogance and gambling of a few. Proving for the common citizen; There is absolutely NO PROTECTION in the court system of america, for life, environment, the nation, or its future. That is a literal fraud/ and constitutes a disease or cancer infecting the people instead of justice or any aspect of fair play.

That fact as is proven in numerous cases as represented by me: establishes NO CITIZEN shall enter a courtroom and fight for democracy or protection under the constitution or establish a fundamental guaranteed right: a complete breach of democracy and its intent to rule as citizens over ourselves. Certainly not without paying the extortion of lawyers, whose fee, can easily bankrupt 90% of the people within just a few hours time; and we all know “they don’t hurry”. Consequently, if neither I or any other common citizen cannot contest in court for ourselves: we are held hostage, we are imprisoned, and we are enslaved by the foundation of a criminal conspiracy to rob, steal, and control; established in the courtroom of this

america, and this state of IL. The corruption of power and pride persists and intends to rule.

4. The foundation of this lawsuit is: that the ILLINOIS CONSTITUTION PROVIDES FOR/ GUARANTEES TO EACH CITIZEN: legal redress of grievances, to decide by democracy, what we will accept, what we will or will not know as truth for society.

Not a game, a constitutionally guaranteed right, which the court both state and federal in numerous cases proves without a doubt it shall NOT obey. That is a criminal offense against the democracy called the people of this state of IL/ this nation as well: because it is federal law as well. Redress is, A guaranteed immunity of the people against corruption by government employees/ a reality that they must obey us. Because we the people are sovereign, NOT YOU, the employee. We are this government established by ourselves/ NOT YOU. We are aligned and protected by the constitution as the owners of this nation and this state, NOT YOU. Because democracy demands WE THE PEOPLE shall rule ourselves by constitutional law. That law establishes redress/ it is treason to fight against it. It is anarchy to deny it exists, as does the court and lawyers for the defense in numerous cases presented by Osterbur: called frivolous, etc; by the judiciary. A constitutional law/ a guaranteed right, thereby is without honor in the courtroom of this state of IL, and this courtroom of the United States of America; that is illegal criminal mob rule/ not democracy.

5. The guarantee of article three in the US constitution is that the *“judicial power shall extend to all cases in law and equity, arising under this constitution... ..between a state or the citizens thereof.”*

That promise is for justice. Justice is the guarantee, that we are equal before the law, regardless of position, power, color, or any other concern except for merit, respect, and honor. A judge does NOT rule the law/ the law rules the judge. Thereby when the law demands a guarantee such as redress shall exist/ the judge holds no authority to deny or alter that law of the people, and this their sovereign right as a democracy to enforce “we the people”; in this demand for liberty over money. In this battleground conflict between what is right for the people in this time and this place/ versus what is fundamentally nothing more than the freedom called greed. This lawsuit exists, because a few consider their profits, and exercise of power to be greater than the whole of the rest called, we the people affected. That is a decision for democracy, the law of redress defines that right. It belongs to the people as declared and guaranteed/ it is our authority over government, regardless of the politician or judge. It is our privilege to investigate,

examine the evidence and pursue the proper decision as is consistent with the demand of the constitution itself; *as stated in its preamble. Summed up, “what is in the best interest of all the people, SHALL be the way and the will of this nation realized, and established by law”*.

6. As always, the judge and all lawyers combined both state and nation continue to avoid and deny that law in its entirety, with no real reference to redress as a law.

The fact that this is a constitutional issue based in federal court, adhered to federal court, because the state employees of Illinois, have refused to obey the IL constitution and its guarantee of redress for this people. And is established under

Article 3 of the US constitution: which guarantees to me, that the employees of this federal government SHALL INTERVENE, and cause the state of IL employees to obey our own laws.

Grant our guaranteed rights/ my guaranteed rights. That is the reason and the purpose this lawsuit comes to federal court; after the federal court in Peoria itself: did in fact establish jurisdiction over this trial.

They claimed a right/ they established a summons on all parties, and accepted jurisdiction. That means they do have an obligation, to apply the law that is merited, and find a conclusion that is deserved by this democracy; without trickery or treachery. Or they establish treason; a failure to obey the laws of this USA and this state of IL/ which is a desertion of duty, as understood and examined under article three of the US constitution. By refusing to acknowledge the law that exists, and obey it; their sworn oath is disobeyed, which is anarchy.

7. The environmental impact from intentionally altering the existing reality, for the sake of money, is further evidence of a need for democratic decision. Their actions are NOT for community as in we need this for life/ but for personal gain, beyond the limits of what is common and fair; or in other ways sufficient for the rest; thereby substantially fair for you too. Personal greed, IS NOT a constitutional right. Rather there is NO INSTANCE OF GREED accounted for in the constitution or foundation documents of this nation; thereby we know, no such right exists. *Instead we do have the clear and consistent reality of the preamble to this US constitution which does spell out that what is in the best interest of the nation and its future, SHALL BE DONE.* That is an entirely different demand, than personal greed shall rule. Prove it is not so.

8. The court has no right to dismiss the federal parties listed: as this case is indeed defined by its environmental impact, and what that impact can and will, or could do to the human population that is impacted do to these decisions. **We do have a right to the information that is pertinent to understanding what we ARE BEING AFFLICTED WITH. We do have a right to the legal and**

federally defined standards set up to be our protection against illegal damage being done to our lives. We do have a need, for legally presentable evidence in a courtroom: TO ESTABLISH the reality of this evidence and its effects. And WE THE PEOPLE HAVE PAID, you our employees to be this witness, and establish this standard, and enforce our protection against being harmed by the greed of another party forcing our acceptance of their practices. Which is now accused of potential harm: against our lives. That is fundamentally slavery, and it is against federal law. Our right is to know the truth, regarding the dangers to our own lives, children, health, work, and all other aspects of what “this money” has brought to our lives. Once so informed, THEN with the evidence in hand, we the people are freed to enter the courtroom and enforce our democracy by testing the full effect of our own vote, under the foundation laws that govern us all. *“This lawsuit is the demand for enforcement; of the rules and the laws these agencies and these employees state shall protect our lives.”* Why are we different?

9. The foundation of this lawsuit is democracy enforced/ not the failure to regulate a grain elevator. NO complaint is registered to stop the elevator/ rather this is a lawsuit established to gather the evidence and prove if we are being harmed, and by how much. This is a lawsuit to establish constitutional guarantee and the protection of democracy over we the people who are affected here. This is a lawsuit governing the rule of we the people/ versus those with money, who can and have damaged our lives and our environment in countless ways; and it extends to other communities and issues as a result. This is a lawsuit that demands the power of redress shall decide/ by using the courtroom, and employees of our government to assemble the evidence, investigate the reality, and prove the decision that is either fundamentally our democratic right to decide, because the standards prove it is so, or the impact of our environment and the change brought to our lives commands a choice/ or failure in the court establishes that money rules instead of democracy. This lawsuit then critically evaluates AND is intended to ESTABLISH: where that line between democracy and money, LEGALLY exists.

10. What CANNOT be decided in state court is: whether the state judiciary and politicians have the right to discard and destroy the state of IL constitutional guarantee called redress of grievances. They have already tried, proven intent, and succeeded in numerous cases as presented by Osterbur: they will not obey the fifth guarantee of the IL constitution, not politician/ not lawyer for the state/ not judiciary. Proving no further lawsuits needed to determine the employee choice, or the sanctity of an oath; on their own. Federal court is required, and exists under article 3. Rather than returning me to the state court: they are now subjected to

federal constitutional rule, and the right of the people of IL to inherit and use their own law, as is guaranteed to each one/ including me. Establish that law as is redress for this people, and provide the expertise required; to identify and create the listing of evidence that is or is not, harmful to us, or our future/ as is our right. Prove me wrong.

As to the people of this place. Prove our right to enter the courtroom and rule our lives as a democracy exists/ NOT for personal greed, but our lives in this the environment we must all participate within, as well as our children. NOT your environment/ not mine: BUT OURS, and theirs, the children not yet born. What is unclear? Establish it, obey the law, and do what you are sworn to do; which is preform the guarantees that the constitution, and its laws provide: prove we the people shall rule our state and nation.

11. The foundation called a remedy is: that the elevator should not be shut down/ but remain within the limits and standards that do not harm. This is, or was, a community business that is necessary for this community at realistic limited capacity, or noise, or other forms of damage to our lives. If that means the elevator shall reduce its capacity rather than finding substantive ways for reducing its noise and other infractions; then so be it. But if it can reduce the noise below what is harmful (*one method would be: to put a fan inside the grain bin itself, thereby muffling the noise with grain; lifting it in through the top*)/ or redirect significant traffic around the town so as to minimize to previous levels the threat to children and others; so be it. It is the standards already established by state and federal agencies that are applied: to protect the citizenry. It is the people who established those standards that are called upon to enforce or describe the damage being done. Or more simply for the elevator to be a “good neighbor”: you must not harm or threaten our environment/ our lives/ our future/ our health/ these children; etc; significantly as a fact! And for what length of time, are we forced to endure matters/ by what measure of standard shall this be tested as well. Because it is different to endure 8 hours a day/ instead of 24 hours a day for weeks on end. That is our right to enforce on you, as a democracy called we the people/ the liberty to say, this is too much for us to pay, we have rights too. Money shall not rule/ LIFE COMES FIRST; that is the purpose of democracy. It Is the order of the court most simply confirmed, as true to this honesty: we are a nation designed “for us”; called democracy. Not just you, beyond the limits of fair play/ rather FOR US, as liberty decides. That is the job of every federal and state official, to prove **we the people, are owners here.**

12. Redress of grievances has never been unspecified: because it is the law/ the

legal guarantee per each and every citizen in this land; as is consistent with the other fundamentals of the first amendment in this US constitution. Thereby the court asserts no basis or foundation for this claim, they can refuse or simply deny it exists. As they are fundamentally charged with enforcing that law, as written or intended to be. Not a game, that law is guaranteed. ***That law as is redress has been explained: as the right, to enter a courtroom and demand the people shall be called to court to decide: if WE, THE PEOPLE believe, that it is necessary for our vote as citizens of this state or nation MUST be used to protect or redefine the democracy we call our home. Redress, is the singular tool, by which the authority of we the people ourselves is used to govern this nation as a last resort.*** When it is clear and certain that sufficient people do believe it is necessary, to take control for ourselves, and prove the words, WE ARE THE GOVERNMENT/ WE ARE THE STATE OR NATION/ AND WE GOVERN OURSELVES. Then by the laws we create or inherit, under the constitution, that rule of we the people under law shall stand as our decision for this society. Redress means, our constitution rules/ but we are sovereign within that rule, because we are the government of this state or nation/ the owners who shall have the last and most prominent say. Thereby being informed of the various threats or cause to be addressed by the people through the investigation carried out within a courtroom. To establish and identify the evidence by its truth, demand witnesses shall appear, and testimony shall be truthful or punished: so that we will make a decision in our own best interest, as democracy realized in truth. The courtroom is needed to make democracy, a reality based in truth, rather than a game governed by fools. If the jury decides that the public will be asked in steps: to decide for ourselves the questions established within a redress hearing/ to take responsibility for governing ourselves. To prove accountability from our employees, and create the understanding necessary to protect our state or nation or lives or future. Then when it is clear, that the public itself believes this MUST be done/ through the investigation of evidence, the reality of truth created. Democracy shall indeed rule, because we the people have then proven: we are in fact, the government of ourselves/ under constitutional law. Redress is the courts job to provide that opportunity to the people/ it is the job of every employee to prove we the people are the democracy we claim to be: which is, we rule ourselves, by law! The judiciary “can’t understand/ does refuse” what democracy means, by their own words. Denying we the people are owners here/ preforming under its own authority that to ask for such things as guaranteed constitutional law either state or nation is somehow NOT worthy of the court’s time/ frivolous,

incomprehensible, etc. Therefore let him never come back here, unless he pays the extortion we demand. **That is a traitorous act, and a lie.**

13. THE ENUMERATED POWER: of A guaranteed constitutional right, as is redress of grievances/ the protection of human life and environment, in this lawsuit, by the standards already set into place by the federal and state government agencies **is NOT**; “The failure to state a claim, or insufficiency in a complaint” it’s the law, as is proven by federal 42 U.S.C. 4332, establishing a report. We are entitled to that report, and again call upon the federal and state agencies to do their job and make the report for “we the people”. The judge lies, does he not his oath/ not know environmental law/ must I remind him of “common law”? 5 U.S.C. APP reorganization plan no 3 of 1970. “To protect the environment through the abatement and control of pollution”. The EPA being responsible for research, monitoring, standard setting, and enforcement activities. They are indeed fully and fundamentally immersed within this lawsuit: a lawsuit deciding between money rules, OR life as a democracy called we the people through liberty shall rule. The law, and the agencies so called are Not dismissed by this plaintiff, but enjoined.

14. The standard set by the court for this trial is: “They cannot understand, anything brought before this court as a measure or meaning within the constitution either state or nation. Using the word frivolous, incomprehensible, and many other forms of ridicule through the denial of the evidence filed by me as to constitutional right: they prove themselves corrupt. They prove the court has been overrun by lawyers who have stripped the courtroom of justice, constitutional law, and the values of equity, equality, honor, and all respect for we the people. Replacing us all, with themselves.

The evidence of numerous trials in various courtrooms with different judges: as represented by Osterbur; cannot be wrong/ the judiciary and legal professions have invaded, and rebelled for their own gain and greed . Neither is this speculative/ but proven without any cause or merit to suggest this is not so. Whether the judiciary acts against the constitution or simply against this pro se plaintiff, the reality is clear: no intent exists to work within the law called redress or under the terms called justice, fair play, equal treatment under the law, or equity with regard to property or possession or life. They do seek to discard it all, to retain power and control. That is illegal, and corrupt. If I must be a lawyer to find justice within the courtroom/ then I have been expelled as a citizen from my own defense of society, my own participation within the meaning and creation of what democracy does mean, for us all. That is a conspiracy to deny/ an act in defiance

of democracy itself.

15. The court states page 3 *“the court must treat all well-pleaded allegations in the complaint as true, and draw all reasonable inferences in the plaintiff’s favor”*.

I return the court to its own decision to use as “its chosen summary from my complaint”: page 2. The writing starting with; “Not a claim for money from me. Rather it is a demand upon government officials to do your job, which is to protect all our lives from injury, protect us from infraction of the law that harms without cause/ or subsequently takes away our freedom and our right to decide for our own lives: thereby damaging our property or ability to remain in our own homes. This is an unreasonable seizure of our environment trespassing and causing in effect “an enemy soldier to be quartered in my house/ without my consent; for sustained period of time. MORE SIMPLE: keep this corporation from dramatically affecting our lives, by demanding they stay on their side of the line. Don’t trespass over here/ not, past “the legal limit or this standard”. Is that not, “what the law means”; ends it.

The judge is asked, explain what is not well pleaded here, by a common prose litigant? What cannot be understood as a need for legal remedy? Or what is abstract, being specific/ as was I in defining the reality of tinnitus that does affect, and substantially disable my life, and can afflict any or all others dependent upon the impact of noise. As is consistent with a need to know for this community.

16. The employees of any organization NEVER have sovereign immunity to do whatever they want to do. That is not how ownership or this democracy works. Rather the constitution, and its foundation documents: the bill of rights/ and declaration of independence are sovereign here. THEY DECIDE, what we the people are allowed to do/ and they decide what the employees of we the people are allowed to do. *But in a test of truth, as to what humanity is sovereign over the rest: IT IS WE THE PEOPLE, who prove to be sovereign over our employees. Not you over us.* You are sworn to protect and serve our government which is the constitution/ we are not sworn to protect or serve you. You lose. YOU ARE ACCOUNTABLE TO US/ you are subjected to the amendments granted over you by the constitution to protect us from you. That is a contractual obligation bearing down on you, accepted by oath. We are accountable to the constitution itself, our contractual reality with democracy; its preamble, and the true relationships that are established by the declaration and bill of rights, as are intended to be our ways, our nation, our sovereign right to rule ourselves by law we create. I point to democracy and say WE THE PEOPLE ARE OWNERS HERE/ which means we are sovereign under the constitution, NOT you. Prove me wrong.

17. The injunction of a judicial act which fundamentally forbids or seeks to establish the realities of danger or damage: operating under law for the purpose of restricting, “the damaging of the human body, the destruction of environment where humanity or life lives, the basic and real needs of a future, the foundations of peace and harmony in society by the contribution of law.” Are all well within the legal remedy intended by 104 A. 2d 884. The protection of property values, home values, and unreasonable seizures as is consistent with 344 S.W. 2d 257. As is described here, by the trespass of what cannot be ignored/ literally changing environments, altering the experience of living, redefining the standards and expectation of my own life, do to their impact on our environment; as well as everything I/ we do: altered by the impact of others, for the purpose of their profit and pride.

The critical reality: having trespassed beyond their own personal property boundaries, having expanded the impact of their business generated traffic on the people who live outside their personal realm, having changed our relationship as a community as a resident of this area; with their existence as a business by impacting, rather than participating in our lives. Having adversely affected the property values of those who were given NO SAY/ industry is not welcomed in a residential community without their say. The Fundamental used to describe a democracy that works for we the people, through law: IS, when that law proves the truth, through the investigation of evidence. Thereby allowing democracy to find its liberty as we the people for ourselves..... The court is obligated to take action. In control of our world: Democracy is, or is intended to be, **Life first**/ not money first; or more specifically neither society today, nor in the future; shall be slave to the power of money. That is the message of our preamble to the US constitution.

Therein we learn under law, that the sovereign power of the constitution and its preamble instructing all the people, in what our agreement as this society shall be. Overrules the claim of any federal rule of civil procedure. The employees of government have their “marching orders”: these are, society shall be first, the children remembered always, and no power on earth shall be greater than we the people of this United States of America to change, regulate, and describe ourselves as the people who rule themselves by their own law. By their own vote, under the sovereign control of the constitution, and foundation documents which describe “life first”; as is the nation declared, of and by itself, through these words.

18. The cause of this action originates as a demand to establish the legal standards to which a business expanding beyond its own boundaries; by

trespassing onto our lives through our environment: **MUST** adhere to. Thereby sustaining our democracy, as we the people have rights and liberty, as the government of this state or nation.

The IL court refused, the US district court in Peoria surrendered, and the US district court abandoned this case, until faced with an extraordinary writ at the US supreme court. That cause of action has now expanded to prove and define **WHAT ARE THE LEGAL BOUNDARIES BETWEEN** those who believe their money or power shall alter environment and life for the rest/ **AND THE LEGAL LIBERTY** to decide as we the people, a democracy ruling itself, both state and nation, by our vote, through redress: the gathering of evidence, the separation of truth and lie. This exists most Particularly for the people most directly involved. Or more simply **WHERE** does the legal line divide, between the money rules/ **OR** **THE PEOPLE RULE/ OR** society rules; between democracy over the money: or money over democracy? Thereby protecting their own future, their lives, health, children, state or nation, and their world by law as a democracy enforced, as law recognized for the benefit and discretion of the people by vote. The question: Who holds the key, to life as a democracy (we the people decide) **OR**, slavery to the money (we have no say, either accept or die)?

The answer is, the constitution itself. That answer in this case; is **NOT** fully developed in law/ therefore it is incumbent and necessary, that the highest court in the land establish the law, and end this controversy. Whether it begins in district or state court, or not. **The law shall provide a solution/** is that not so: **ITS YOUR JOB**, article 3 US constitution.

19. The judge refuses the initial administrative relief requested in the state court: that the agencies so designated by the law to create, serve, and establish standards for health and safety, both in the environment and in society for the people/ should do their job. And thereby create the necessary documentation so I, and or we the people here, could then proceed to court and insist these standards must be met; if it is proven in fact they are not. That is not injunctive relief; but the job promised to the citizens of this state and nation by its employees and judiciary. They failed.

20. As a consequence to that failure administrative procedure act 5 U.S.C. 702 as depicted by the judge “applies; when any federal statute authorizes review of agency action, as well as in cases involving constitutional challenges and other claims arising under federal law”; as this case does. The federal agencies listed as defendants did not do their job, as instructed by the environmental law/ due to interference from the courtroom, or others. That is an illegal act, a judiciary altering the performance of an agency and its duty to protect our environment and

our lives. Specifically to investigate and determine to what extent we are threatened: for legal purposes of remedy.

That court, and its lawyers for the defense; both state and federal **deny and refuse to accept a fundamental precept of this trial; that is constitutional redress of grievances, whereby WE THE PEOPLE protect ourselves through the courtroom**, by becoming judge over our democracy. And by demanding accountability in government over our employees; is the proper legal method here. The right to decide for ourselves, wherever the law is not fundamentally clear, or we are threatened and in need of relief: under the sovereign rule of constitutional law. Both state and federal guarantees therefrom proven and enacted . IS DENIED. That is illegal.

21. The adequacy of the constitution in describing the legal right of redress of grievances: NOW COMES INTO QUESTION/ as there are no precedents, laws, or descriptions based upon which the legal guaranteed right that is redress. **THAT SIMPLE FACT IN ITSELF proves a judiciary & political conspiracy .** An EXTRAORDINARY WRIT IS REQUIRED, just to move this case forward, because the judiciary has conspired by all necessary means, to remove and deny this law called redress! It is a proven fact.

The alternate guaranteed rights of the first amendment in federal doctrine are legally defined by precedent/ but not this one. Which does belong to the people themselves. Nonetheless it is the constitution that decides what the proper and true purpose and procedure of redress shall be. For that, we do look entirely to the preamble for direction, and to the foundation documents themselves for the practice of what that is to mean.

The three fundamental rules, by interpretation of the preamble are these: (A) you shall not make me do or accept (*freedom*), what we the people have not agreed to (*liberty*). (B) None shall be assumed superior to the others, rather we are equal (*justice for all*), and the children shall be protected, their future secured (*we are their guardians, and must not fail*). (C) our agreement as a nation (*democracy itself*) is: that we shall continue to seek (*our choice has not ended*) “a more perfect union, by establishing justice, and uniting ourselves under the law that protects our democracy from those who defile it.” **Redress of grievances.**

The foundation of legal instruction and limits, to the people and their employees then follows; and will be reduced by interpretation at this time, to its amendments for simplicity sake.

The first amendment; nobody gets to interfere with these rules for living life here in America. The right of the people peaceably to assemble requires: that

there must be legal means to present to the people, a situation or reality or truth that is fundamentally threatening or attempting to overrule democracy so that they can act. Peaceably means, to approach in the least confrontational manner, and thereby remove “the mob” from its catalyst. That requires a courtroom, to decide what is real by investigation, and therefrom a decision based upon the evidence of what is true and substantial. Assemble means: to cause by the foundations of democracy, the right to vote for myself on the life and law that governs our society. The right to learn of our need and threat, by truth; substantially communicated by free and deliberate legal means, among the people, regardless of those with power. *A fact that does not exist today, because “our free press” has been sold, to the powerful and the few/ who do then edit and control for themselves a propaganda soliciting money, power, and pride ; instead of democracy for ourselves or our nation. The money rules the press; and that too is illegal.*

The assembly of law, under democracy REQUIRES that the law shall in fact provide a solution. That solution is a courtroom and a jury; in redress that jury is we the people. Further the pronouncement of law itself is regulated under 123 N.W. 504, 508. “Giving the people their say”; prove me wrong. To petition means: that I cannot present to the people any conclusion of threat or law or democracy or right without their own consent to go forward and establish the government called WE THE PEOPLE over our employees. UNLESS a true and consistent acceptance of the people shall prove this is OUR DECISION, for ourselves and our nation. That requires the procedure, in a courtroom which builds upon each trial to assemble the legal demand of state or nation to accept the responsibility of change or rights or demands or accountability as we the people then demand and establish by our law. First amendment redress of grievances under the US constitution, OR fifth amendment redress of grievances under the state of IL constitution; as provided by these sovereign laws: defended as our authority to rule and govern ourselves. Is democracy; By our own decision/ by our own vote upon the reality we choose, ourselves. Not a vote for someone to vote for me, on the most important issues of our day/ but one vote, for me, for myself, on the laws and issues that will participate in my life, as the society we must endure or enjoy; **each citizen.** The destiny we choose, for ourselves.

Added to that are the interpretation of amendments that have not been properly adhered too.

Amendment 2 means: that no authority exists to invade the environment of

my life, to change my existence, or to alter my own decision for living; UNLESS it is the will of the whole people through their own liberty, to do so/ RESPECTING the freedom to choose, by each one. My choice, not yours. Or our choice as a need recognized and fulfilled for the sake of society itself.

Amendment 3 means; that none have the authority to trespass into my own home, or upon my own property or place of residency without the consent of the people themselves. We do have a right to defend our homes, our lives, our health, our future, and our nation from all who would simply take control because they have a weapon or a power superior to ourselves. We the people forbid it.

Amendment 4 means; that I am not defined by you/ rather I am whom I have decided to be for myself, and you have no right to intervene in that; even if you believe you do. Its called freedom, the inalienable right to be the life you choose to be, within yourself, your property under the guidelines of democracy (we have needs too), and by your own words, thoughts, or decisions.

Amendment 5 means; that liberty shall govern this land and all its people including their employees. That liberty shall not submit to violations of the truth, shall not surrender to an assault by liars, thieves, cheats, or traitors. Rather we the people do provide the law which decides for us, NOT as our employees shall choose. But as is due process under constitutional demand.

Amendment 6 means; that NO authority exists over the public by an employee of our government. Rather we are justified by law, when the people themselves protect their courtroom, through the actions of a jury of themselves. The right to give account for yourself, the right to demand a jury and establish witnesses when threatened, the demand to know the evidence and establish the truth within a courtroom, rather than the political game of who gets to control the conversation. Even the assistance of knowledge and understanding so that a true and accurate decision can be made; are all promises to each and every citizen. Redress is included in these things.

Amendment 7 means; that I am not your slave/ therefore in a controversy that forces the reality of money has social consequences: no one may say to me, that a jury is not the foundation of peace in society. The purpose of harmony in what is otherwise “a war”, between citizens in society; demands justice, fair play, and truth. Justice is, the force of law; when honor and respect exists. Honor and respect for the people is mandatory and without interpretation. It shall exist for their benefit.

Amendment 8 means; that every measure of society given its due, SHALL understand “Innocent until proven guilty”. That every measure of justice for

society given its due is: that none should die by our hand, unless the evidence is so convincing that NO critical or real conclusion can be otherwise. We must convict, because it is our duty to uphold the law. The punishment should fit the crime/ and no examples be made.

Amendment 9 means; that we the people MUST accept the personal freedoms of others, to sustain our own/ that we the people MUST accept the liberty of laws that translate our own needs as a society governing what is fair and justified by the reality that is liberty: we choose this as a people, for ourselves; even if some personal freedom is the cost.

Amendment 10 means; that our employees do have an authority to enforce our laws, to define our laws under our supervision, and to protect our nation. But they do not have sovereign rights or rule over this democracy because we are the government ourselves; as we the people. Our rule as society itself decides, under constitutional authority, by vote. They are employees, their job comes with a contract they must fulfill to sustain employment or pay.

Amendment 11 means; there shall be a division of power, so as to give to the nation its own descriptions of freedom and liberty by states. That means liberty is subject to the separation of state and nation, but within constitutional instruction; as an entire people who do share the responsibilities of a nation.

Amendment 12 means; that awareness of the issues, laws, and realities of governing ourselves is necessary. That foundation for a nation is governed by the realities of education and communication among or for the people themselves. That does not exist without a free press, and asserts at a fundamental level there must be a political conveyance established for the singular purpose of respect. To give to the people, their right to know and understand the issues, rights, and realities of this day: without interference or propaganda or editing, to any degree regarding substance. Let the people decide.

Amendment 13 means; no one has the right to force another to do what they would otherwise not do. That extends to the reality of money. Which requires: UNLESS as a society we do provide to each and every citizen the means to acquire a job, at an adequate wage: whereby they take care of themselves; slavery does exist. If however they refuse to work at an honest job, as would be expected of the majority/ then the majority has a right to remove them, "from our environment" as established under law, by the conditions accepted as majority vote. The right of citizenship does come with responsibilities commensurate with the freedom to choose, and the liberty to say; this is our truth. This is the price you will pay.

Amendment 14 means; that we are privileged to understand the law rules us all. Because without the law, or the necessary restrictions on authority over us; we simply become democracy dissolved.

Amendment 15 means; that we are equals here, as citizens who have paid the price of democracy, which is involvement or participation in the process that is the creation and sustainment of society and environment itself. So that we the people shall survive and be happy within ourselves and our nation or world. That conforms to the truth, that NONE are allowed to gamble or threaten our lives/ but we shall indeed have a vote on ANY scientific/ military/ social/ political/ environmental/ or life issue that can or could plague our lives or future, with tragedy and pain. We are owed our vote. We are the owners of our democracy by that vote, and will not be denied.

Amendment 16 means; to hire any employee requires a payment to that employee or it is assumed to be either slavery or volunteering. The right to decide how that money is collected or spent is not dealt with in this amendment; which would apply amendment 15 to that process, as the people decide for themselves.

22. This complaint then originates a legal notice: that the foundations of constitutional law are open to interpretation, UNTIL the legal rights guaranteed to every citizen; by each and every law are fully established. WE ARE A DEMOCRACY, which means the constitutional law is sovereign. Because redress is without its proper legal definitions, through interpretation accepted by society, established as our fact of ownership; our means of communicating the responsibility of our authority as owners here, as we the people here. This lawsuit demands that shall end, we shall know the truth of our government called we the people, here and now.

23. This complaint notices that **NO pro se litigant has equal standing** in federal or state courtrooms. The trials called “merit less/ frivolous/ etc” are evidence in themselves of delusions in grandeur among the judiciary, and legal profession; as they do try to convince themselves that their oath of office, is nothing more than meaningless and trivial. As is plainly seen in the numerous cases presented by the plaintiff Osterbur, and their subsequent removal/ as well as removing myself from contesting within the courtroom for constitutional validation of the law itself.

The issue of redress, the constitutional demand upon: both state and federal employees of both the judiciary and the lawyers for the defense; politicians in some cases/ *proves that the law DOES NOT rule over the courtroom*. In pro se litigation; Rather a true and corrupt conspiracy against this law called redress exists instead. The foundation of our democracy is: that the constitution and its

foundation supporting/ defining/ and sovereign over all law, and every employee MUST RULE. That is proven not true. The court itself MUST ANSWER to this charge, because it asserts treason; the intentional premeditated attack on constitutional guarantees; as is redress/ which DO BELONG AS OUR AUTHORITY OVER GOVERNING, but only to we the people. It is not your right to remove a constitutional law, or assert by hiding that it does not exist. That is anarchy, the tyranny of employees in open rebellion, becoming our ruler: instead of democracy itself. That is abhorrent to WE THE PEOPLE, our bill of rights, and our declaration of independence. That foundation needs NOT, any other periphery excuse or complaint. It is short and plain.

The court is restricted to define by its own choice page 2 of the report and recommendation 11-cv-2023 [*beginning: not a claim for money.....the law means; #1-2, p. 9*] exactly what is “merit less, a naked assertion, or a delusional scenario”. In this filing: And how this statement would differ from any other pro se litigant in his or her search for legal justice in a situation similar. Prove the common pro se litigant would do more. Or you prove the court is a tyrant, and the reality of law given only to the lawyer at their rate of extortion and control. That is fundamentally a reversion of my guarantee rights, taking away from me the rights conveyed by my predecessors for the nation and each citizen/ to give it, to others and restrict or deny, my own participation in what is constitutionally my inheritance; MY RIGHT under the law.

It is theft, by the assumption, “only those who are accepted by us, shall be given the right to protect themselves, or stand for democracy”. That is tyranny expressed, an illegal act in this democracy. You have no right, to demand legal theory or excessive regulation or law. We DO have a right, to establish our own democracy, through the understanding of constitutional guarantee to me and each one. That needs no diploma/ only the assertion of JUSTICE and FAIR PLAY through equality of position. The law decides, NOT the judge; is the essence of true democratic rule. That is not legal theory, that is constitutional law established. That is democracy clothed in the truth, that we rule ourselves by law. The judge deludes himself, that he is ruler instead/ assuming an oath of office is trivial and does not warrant the reality of the responsibilities we are then owed as a people. I disagree/ let the people decide. There is nothing unspecific about an oath to protect and defend the constitution and obey it/ there is nothing frivolous in demanding my guaranteed rights; as men and women did die for that very thing. To your own shame, you degrade that truth.

24. Fair notice of the claim is that I am due the protections guaranteed to me by

the constitution on the grounds that I am a citizen promised: the employees shall deliver it. They failed. The relief entitled to me is: the agencies in charge of standards set out for the protection of the people and our environment SHALL do their job as promised; for me too/ as I am a citizen. The constitutional guarantee of both state and nation SHALL be upheld. Or the employee responsible for treason: a deliberate decision to destroy or defeat a foundation of our democracy by any means; SHALL be held accountable for that crime. The reality of REDRESS shall be established for all the people both state and nation. The boundaries between the power of money, and the reality of power called democracy, and its liberty; as in we the people shall be defined by this court; so as to end the controversy and establish the constitution in full. As promised to all the people, and to me; WE ARE OWED.

25. DEMOCRACY is not speculative, it is our sovereign government, our right under law, to rule over ourselves as a free people empowered by liberty to choose for, and accept the responsibility of: ownership over this nation. The fact I am denied a foundation law, called redress of grievances proves I am entitled to relief. Those who would steal our democracy with “fancy words, or fanatical reliance on rules, or any other trickery or treachery used to deny the truth: that we the people are the sovereign rulers of this government/ and we are the jury of final say with regard to our society.” are traitors. We earned OUR democracy/ the souls who died, were mutilated, families sacrificed, and life itself changed forever; prove it. Which means: I DON’T NEED NO DAMN UNIVERSITY DIPLOMA, to demand what is constitutionally owed to me. That is a breach of discipline within the court, at a minimum/ the intentional creation of a “criminal syndicate” to orchestrate what will or will not be allowed in the court, INSTEAD of the constitution is the result. That is disgrace and dishonor in the court. Rather you need to understand what an oath of office truly means to you, and your future; by our authority to demand this democracy: WE THE PEOPLE, shall stand. With or without you.

26. This lawsuit stands on its own merit; it began with the purpose of legal discovery to assemble the evidence necessary to assert and command: you shall stay within the legal limits created and defined by federal and state agencies whose ONLY purpose is to protect and defend our lives, our environment, our children, and our property from trespass.

This lawsuit now extends to prove democracy is our right to decide through redress of grievances; thereby establishing proof of ownership, through the court, as we the people. Life first/ not money first: is the message intertwined in this

action. Prove the boundaries that govern our world exist as democracy. Prove we the people is true.

27. Personal jurisdiction is the right to proceed in trial based upon fair play and substantial justice 326 U.S. 310, 316. The impartiality of law, which is intended to favor no one! As explained earlier in this trial: “I am the expert, when it comes to determining what is or is not a noise that contributes to tinnitus, a debilitating hearing problem/ as I live the experience, and have for thirty years or so. At its extreme, tinnitus proves fatal, through suicides for many.” Therefore when I say to you, there is noise generated which damages hearing in humanity and potentially other life/ I do have cause. But that also represents a duty to me, to stand up for those lives which do not yet understand what it truly means to be disabled in this way. It is, “a very unpleasant surprise”.

As to all other issues of process as were dealt with in federal and state court: **that matter was resolved**, and the course of filings in state & district court shall prove that/ which means the matter is moot. Even though pages 6-9 of the report and recommendation simply dredge up the same failed practice (THEIR FAILURE); designed simply, to prejudice the appeals process. Without divestiture 91 F. Supp 333, the monopoly of the court is without restraint. With divestiture against the judiciary involved; the remedy is: this issue is dead. I move to suppress or discard and remove this wrongful practice by the defendants in both state and federal courts.

However, assertion is required: as was told, the state court and lawyers for the defense: “they were commanded, pleaded with, and enthralled by due process” to provide to me the proper names, addresses and correct means of delivering these summons by the book. Had they done so: that would have been done. The court/ the defendants/ the lawyers for the defense ALL REFUSED their basic duty to provide what was clearly my right, “to know. In a large agency not fully revealed to the public”; how can I know? To know means, these organizations of federal and state agencies shall provide: **WHO IT IS, that must be summoned in this case.** They each failed to execute that legal description/ refused that fundamental right of DUE PROCESS. As does this district court. They have sought by doing so, to exclude me from court; with treachery and trickery, and desertion of duty. This district court continues in that poisonous retreat from justice.

28. The privity of my life to assert that I can act for the community in terms of collecting the necessary information, whereby the legal evidence collected can make a difference in the lives of others for their benefit is fundamentally without

flaw. 443 P. 2d 39,43.

In summary; this federal court CANNOT remand me back to the IL courts, because the IL courts have excluded me from being a litigant under all terms of civil process as a representative of myself, or as a citizen of this democracy. That is an execution of my rights under their order to return/ it cannot be done. A travesty of justice instead.

Further in terms of redress of grievances under the IL constitution, it has already been proven that these employees of state, politicians, lawyers, and judiciary UTTERLY REFUSE to obey a constitutional guarantee, to me, and to each and every other citizen of this state of IL. This district court HAS BEEN called to remedy that fact and establish for we the people of ILLINOIS: that our employees SHALL INDEED obey the constitutional demand of our government; called redress. That law, that fact of law, that jurisdiction is in fact held within the federal court system of this USA; and cannot be discarded. Now guarded by article 3 US constitution. State law does not predominate: *The US constitution under article three commands you to intervene*, and make the contractual promise that is the IL constitution, to its citizens, be upheld. The contractual promise to this nation be upheld. **Its your job/ your oath/ and your duty. That is a constitutional violation, to fail/ and a desertion of federal law; to throw back this citizen to those who have already refused the constitution, they are sworn to obey. Leaving me, without the protections and rights promised under the US constitution as well. It is desertion of YOUR duty.**

Within these elements of law and duty, arise the certainty of democracy; in opposition to those who would rule over us. Either we are a people who rule ourselves by the law/ who obtain and control the government which WE THE PEOPLE are, through redress of grievances. OR someone stole our democracy, and that is the sign of a traitor, A REALITY OF REBELLION recognized.

In summary, the constitution is either respected, or it is not/ there is no middle of the road; no gray area's of democracy or not. Democracy is: WE THE PEOPLE rule ourselves, by the law (NOT judges)/ and its constitutional foundation which governs all law and is the sovereign government of our time, our society, our nation: as the constitution itself. The constitution itself is sovereign; No judge is ruler, no politician is sovereign, no employee is above the owner: we are the owners, because we are a democracy, this is our nation as we the people. That fact makes us, the citizens of this nation, sovereign over our employees; NOT you over us/ we over you.

In that light of day, the court is exposed as a conspirator against this democracy, by numerous trial and the fact no legal precedent exists; on the foundation legal principle guarantee called redress. An act of treason: Because it truly defies and makes every effort to defeat, a foundation principle of constitutional law/ and thereby, the will of the people, in governing themselves. That redress of grievances stands as guardian and guide to the nation itself, by **giving we the people the authority to demand accountability and prove that we are the government, that we are the sovereign owners ourselves/ NOT** our employees in our stead. We are the owners, we are the nation, we are the government; because we paid the price. You are not sovereign/ you, are the paid employee, assigned and sworn to do the job you have stated without compromise that you would do. That fact constitutes a legal contract, with punishments applied through your oath; and distinct obligations that can be proven true or not true, by your hand.

The question of this day is: as a judiciary/ judge/ agency/ or lawyer for the defense: who have already proven a complete disrespect for redress of grievance law. Do you fear the consequences of we the people, as we all, become more aware of what you have done? DO YOU NOW, choose to defend we the people as a democracy (limiting those consequences), fully and completely respecting the authority of the constitutions of this state called ILLINOIS, and this nation called the United States of AMERICA? Or not? It is a simple question, with only one answer/ not two. Either you choose for the people themselves, as their democracy in action fighting to preserve and defend the foundations of our lives, our environment, and our world. Not a game, a reality of choice.

OR, do you trade our lives/ and our life as a nation: , for whatever you consider to have more value than American Democracy, its constitutional law, foundation principles, its people, and **its sovereignty**, by the terms of strict construction in constitutional law, over you. That is treason. Make your decision.

Either we go to redress of grievances now, with agencies doing their job for the people: TO FIND WHAT IS TRUE. **OR** by extraordinary remedy 39 N.E. 2d 162, 166 (*my GUARANTEED CONSTITUTIONAL rights have been clearly violated, in numerous courtrooms*); you may move this case to the US supreme court. **OR** we go to the supreme court, and to the people, by my work. **OR** we go to the nation itself, asking the world to join; thereby all judging for themselves in viewing America through this court: as liar or truth, a democracy for real or just fiction. One or more of these four, will happen.

It is a choice, we the people/ or rebellion and anarchy against this United States of America. Constitutional law, is not a game, there is nothing to win, only duty or rebellion to prove.

I, JAMES F. OSTERBUR, do hereby declare that a true and accurate copy of the forgoing filing titled

OBJECTION TO RULE AND RECOMMENDATION IS FILED
has been mailed to each and every litigant and the court as does appear on the first page of this filing, at the address so established. On this date 9, 19, 11 by placing within the US MAIL service, first class mail, postage prepaid.