

No.

In the
US SUPREME COURT
OF THIS UNITED STATES OF AMERICA

James Frank Osterbur
petitioner
www.justtalking3.info
Vs.

The UNITED STATES OF AMERICA
and these defendants:
the president Barack Obama
US attorney general Eric H. Holder jr.
US solicitor general Neal K. Katyal
the internal revenue service
added, is

US CONGRESS
Federal Bureau of Investigation

On petition for a writ of Certiorari to this
United States court of appeals, 7th circuit
Chicago, IL

PETITION FOR A WRIT OF CERTIORARI
petitioner files pro se, as a citizen of this USA.
James Frank Osterbur, 2191 county road
2500 E. St. Joseph, IL 61873

THE QUESTION PRESENTED 1:

“I am simply one citizen out of an estimated 311 million people”. Just one of the masses, simple and plain.

HOWEVER THAT IS NOT at issue here in this furtherance of trial 11-1639 appealed from the 7th circuit in Chicago IL.

THIS IS ABOUT THE CONSTITUTION OF THIS UNITED STATES OF AMERICA; THE OATHS TAKEN TO OBEY, PROTECT, AND SERVE we the people in this democratic form of government.

Nothing more or less: than the law rules/ than do we the people rule this nation/ than the authority of the constitution over law, the judiciary, and all employees; every citizen the same/ than justice for this people, as promised to each one. Simple and plain. *A constitutional question before the court which affects us all/ the nation is then included. Because it is a foundation of our government: the question presented to you: “will you obey the law?”* Because it is not only my right to demand first amendment guarantees; as is redress of grievances/ it is ours, as a people!

QUESTION PRESENTED 2:

Having established that it is the judiciary itself that is on trial here/ the legal leadership of our nation called the USA. IT IS fundamentally true, that a judge cannot judge him or herself. Thereby the inclusion of the congress is justified in this case/ should the supreme court fail to properly and respectfully identify and correct the appellate judges that so arrogantly state: neither we, nor these defendants; **did not consent** to obey the constitution or its guarantees to this nation and its people. That is not their right under the law. Rather their sworn duty is to do exactly what this trial demands: and produce redress as defined and written within the constitution for this people and me, the plaintiff James F. Osterbur.

Should that be necessary, the congress take over trial and putting the supreme court itself on trial. They will need the investigation abilities of the federal bureau of investigation. And are thereby properly informed to pay careful attention to this trial/ and **BE RESPONSIBLE TO THIS PEOPLE**, for its outcome. For our constitution and democracy, as is their job. **It is their duty!**

**THE PARTIES TO THIS PROCEEDING
ARE THESE:**

to the US supreme court/ the US president/
the US attorney general/ the US solicitor
general/ the Internal Revenue service.
Added to this list, under article 3, section 3 is
now: THE US CONGRESS/ and the Federal
Bureau of Investigation. Because issues have
arisen with treason; against the USA. Signs
of corruption/ conspiracy/ and collusion in the
courtroom of this United States.

**It is the congress with the power to
decide; such questions as these.** It is the
federal bureau of investigation that provides
the service called “knowledge and
understanding, as applied under the evidence
as must be submitted to trial under law.”

These, the FBI; are charged with: the
intent, that a full and complete accounting of
these proceedings, these decisions shall be
made before this entire US population/ called
WE THE PEOPLE. It is our nation, this is
our democracy, those who defile or disrespect
us are enemies to be held to account, by their
own truth, actions, and decisions.

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THE DECISIONS BELOW:

1. In this trial appealed from 11-1639; 7th circuit, Chicago IL. It is blatantly clear, that the purposes of these judges William J. Bauer/ Terence T. Evans/ and Ann Claire Williams.

Discarded constitutional authority as had been granted to them over this case for the purposes of WE THE PEOPLE, as the constitution prescribes.

No delusion/ no interpretation/ no authority to refuse, disguise, disrespect, or disgrace this action demanding redress of grievances exists. **Because the constitution is clear: redress of grievances is a legal citizens guaranteed right.** That law being one, of the original and fundamental principles of this system of government. Created in accordance with and accepted by this people as their form of government, their decision to be “the democracy called; this United States of America”. 229 A. 2d 388, 394. **To discard constitutional authority is open rebellion against this democracy and all it stands for. An act of treason, by degrees**

2. These judges **dismiss the case**, *which clearly and deliberately seeks redress of*

grievances: for lack of jurisdiction; order filed 4/ 12/ 11. Thereby choosing to perjure themselves in court. Fully knowing that this is *a constitutional law case, distinctly demanding the guaranteed rights to each and every citizen by OUR*

CONSTITUTION. That being distinguished from a law, which is a rule of conduct prescribed by the legislature onto the people/
the constitution is instead the rule of this democracy prescribed by the people unto the legislature and this judiciary.
Therefrom balanced in its concept of rule over power and right within this society.

3. These judges contend, *“unless all parties to the litigation consent on the record,the parties have not consented in writing to proceed before a magistrate judge. Therefore this court lacks jurisdiction to proceed...”*

There is no authority over the constitution by the judiciary or any other employee of this people. That means there is no discretion as to whether our employees must obey the constitution and provide the guarantees of constitutional LAW, to this citizen or not. They must, it is not a matter of consent, discretion, interpretation, recommendation, or other. It's the law, as

applied to each and every defendant/ because these are the representatives of government most directly responsible for INSURING THAT THE CONSTITUTION SHALL BE HONORED, RESPECTED, AND OBEYED BY EVERY EMPLOYEE, including them. In other words, the judges LIE in open court/ preferring treason the direct and deliberate intent, decision, and actions as are consistent with tearing down our democracy; and destroying the guarantees of our people. That is the act of a traitor/ that is the act of someone bribed or protecting another, because insufficient evidence exists to believe they are so insolent and subversive as to do it simply for the sake of ridicule. Something else exists, or they are three distinctly stupid fools. A matter to be investigated, for the nation regardless of this trial.

4. These three judges by their order agree: to steal from me DUE PROCESS of LAW/ as is guaranteed to each and every citizen. By lies they suggest this matter is still in the hands of the district court/ Urbana IL; from which it arose as 10-2257. But it is not, by their decision or the decision of the defendants lawyer, they call and describe and set into the files; this replacement: a DE NOVO trial in

this appellate court on 4/11/11. Or more simply the appeals court took ownership of the trial; and created a “new trial” on their own. That means they may no longer rely upon the district “report and recommendation” of March 15, 2011. **But must give to me the opportunity to respond PRIOR to the decision that shall be made. They refuse.** The mail was not received by me until 4/ 13/ 11, reply was sent 4/ 14/ 11/ their order of 4/ 12/ 11 came in the mail on 4/ 15/ 11. Or more simply, due process was clearly and deliberately denied, with the certain intent NOT to accept, or allow; any filing I might send. And act in a way that could defy my right to have my own statement registered as a part of this trial. That is against the law: I deserve my day in court, my chance to defend myself and establish the guarantees promised to me by this nation. This nation, deserves that right as well: it is our duty as a citizen to provide the work necessary to defend our democracy. The constitution is my power here to demand: due process shall be provided to me. Thereby this US supreme court case/ this case before the leadership and the people of this USA is a test: establishing with certainty WHO does rule this nation. Our employees, or OUR CONSTITUTION. Or more simply: did

this people/ does this people surrender their democracy to the invaders that have so clearly taken over? The fact, this question exists: ESTABLISHES ANARCHY, the deliberate violence that asserts, “law does not matter here/ because we are now, our own law”. A reality of traitors in our midst in our employ as government officials and the judiciary/ the consequence, a nation in crisis. A constitution under attack! Literally warred against/ by those who want power over us, instead of our authority over them. That is open rebellion/ an act of treason. The constitution is a restriction upon the powers of our employees, a grant of recognizable authority given to the people, through their redress of grievances, and due process. **Both being denied to me. The defendants job as leaders, protectors, defenders and servants of the constitution for this nation/ the courts job to obey the constitution without prejudice, establishing justice for all. Comes with the demand: to preserve our rights as individuals through democracy. So do you swear. An oath denied.**

5. The constitution is the law of this land 140 F. Supp. 925. And it cannot be abrogated, even in part; by the actions or decisions of ANY employee. It is the supreme or sovereign law of

America, and IMMUNE from all threats; particularly in a courtroom of this USA. That agreement is "OUR GOVERNMENT". To find it threatened with such contempt as these three judges have applied; is treason. To recognize those in the primary role of legal leadership as are the defendants suggests collusion in and of itself. Because the oath of office says: TO DEFEND, PROTECT, AND OBEY THE CONSTITUTION OF THIS UNITED STATES. That makes it a duty, as a defendant here; fully informed of the rights and realities being established: to intervene. Its your sworn job, under penalty with consequences. There is no exception/ there is no immunity/ there is no delusion as to what was demanded. That leaves no illusion about whose side is defended: the people or the judiciary. It is your duty at this moment prior to court: to establish constitutional law, regardless of who fails to uphold it.

REDRESS OF GRIEVANCES:

6. Contrary to the assertion that I “believe myself to be important enough to question these people in relation to their job/ their oath/ and their leadership of this nation. Is the clear and complete acceptance of our reality: that we are in trouble as a nation, at the edge of crisis and turmoil worse than the first civil war, and in need of the knowledge required to make true and accurate decisions for ourselves as we the people. Even so, I do not stand as “power over them”/ **I stand as a citizen equal to them, under constitutional law. That is the authority of democracy, or “we rule ourselves through law”**. Instead of we the ruled, by whatever our employees decide.

7. THAT democracy/ that right of citizenship; establishes simply, although I am distinctly aligned with the legal aspects of trial, by being the plaintiff. **There is absolutely no denying this is a constitutional trial, and a matter of guaranteed right; as is consistent with the constitution. The law of this USA; 389 U.S. 258.** Meaning this trial is about our nation, as each individual citizen requires it to be, according to the guarantees promised to us all. That requires an understanding as is consistent with the

purposes of redress of grievances, a first amendment constitutional legal law/ A DUE PROCESS RIGHT, as granted by the fourteenth amendment 391 U.S. 145.

Granting to we the people a true and accurate accounting from our right to be owners, our leadership, employed: for the people. That purpose being, so that we may see inside the truth of our nation/ our existence as ourselves: that WE ARE A DEMOCRACY. Which means **WE ARE, “THE OWNERS HERE”, with distinct rights under redress.** The issues of substance in this day, require of us all: to decide if we shall let this nation fail? As the reality of evidence regarding our reality explains. Accepting our leaders have failed us all. OR STAND for ourselves, and make the future what we shall choose, by vote on the most important issues of our time; for ourselves. Not voting for someone to vote for me/ but voting on the truth of what we demand this democracy shall be, this future for our lives. We are able.

8. What the employees have demanded instead, or have changed this “government to be” **is not democracy:** but just another form of communism. Because the current expenditure is \$3.8 trillion dollars; OR \$38,000.00 per each one of one hundred million

people. This fact: Establishes they rule over our lives by stealing our own money. Did we say to our employees take everything and you decide? Not me! To understand, that control over this amount of money; means we are NOT allowed to choose our destiny or our ways, methods, or means to live within this society. Instead our rulers do, with the money stolen from us all; whatever they want. That is, Redistributing our wealth to themselves, or their benefactors who provide an election bought instead of earned. “Because they say; WE are superior to you”. That is an act of rebellion achieved. This lie, they know better; changing the very framework of our society, has been proven a disaster for us, by them. **They were wrong.** This lie, that is functioning as the same methods called communism; whereby a tiny few make all the decisions for the whole/ has proven to be not only an open rebellion against democracy, but a theft of the nation itself. Literally from our hands to theirs. Because even though these leaders do not say, “they rule over us as kings or queens”/ the actual facts describing their own possession and dominion over our lives, controlling the very foundations of what we require to live, the nature we are dependent upon to survive, the threats to our very world

and all life on earth. Are found in their possession, and under their control/ proving it is indeed so. Describing a nation captured, a humanity enslaved for their purposes, by decisions that we are not allowed to make for ourselves. That is anarchy.

CONCLUSION:

THE DEMAND OF THIS PLAINTIFF REMAINS THE SAME: Establish for me, and the citizens of this nation our guaranteed right of redress of grievances according to the first amendment of the Constitution of this United States of America. So that we shall decide for ourselves, the future of our nation, the reality of what shall or shall not threaten us, and the foundations of democracy that must be changed. So as to provide and preserve for ourselves, the protections and freedoms we require for a future to survive.

Simple as that; **OBEY THE LAW.** Or more cleanly: obey our law, **BY ESTABLISHING OUR RIGHT TO REDRESS.** As owners of this democracy called the USA, or more distinctly established: this is called :
WE THE PEOPLE.

SUMMARY:

9. This is now a choice presented to the president of this USA Barack Obama. To preform the oath of office he has taken and defend, protect, and obey the constitution of this USA. For the people, and this, their democracy: Their right, to choose for themselves as a people united for life.

10. This is now a choice presented to the US attorney general Eric H. Holder Jr. To preform the oath of office he has taken and defend, protect, and obey the constitution of this USA. For the people, and this, their democracy: Their right, to choose for themselves, as a people united for life.

11. This is now a choice presented to the US solicitor general Neal K. Katyal. To preform the oath of office he has taken and defend, protect, and obey the constitution of this USA. For the people, and this, their democracy: Their right, to choose for themselves, as a people united for life.

12. This is now a choice presented to the US internal revenue service (no name given). To preform the oath of office he or she has taken and defend, protect, and obey the constitution of this USA. For the people, and this, their

democracy: Their right, to choose for themselves. Their right to establish a tax revolt, as their means of establishing authority over our employees: with a clear and certain objectives to defend this constitution and this democracy. By stating, with fair and clear assertions “the expected penalties or consequences shall be these”; as would be consistent with the 2005 tax filing of the plaintiff. A reality required for court. So that none are surprised, should they join this revolt/ this demand to stand up for the democracy called WE THE PEOPLE, and be counted.

13. This is now a choice presented to the US CONGRESS, to declare before the people/ what is acceptable, in terms of the performance of an oath, a right of the people guaranteed by the constitution of this USA; and incumbent upon the judiciary to deliver. Thereby a decision: To preform the oath of office he or she has taken and defend, protect, and obey the constitution of this USA. By balancing the power of the judiciary, with the truth: YOU CANNOT rebel against our democracy. IT IS OURS/ NOT yours; you, are an employee for us, and not immune from bad behavior. Choosing, only the constitution and founding documents are sovereign/ NO employee. That, is a decision; For the people, and this, their democracy.

Their right, to choose for themselves, as a people united for life.

14. This is now a choice presented to the Federal Bureau of Investigation. To establish, by the investigation of facts: whether or not a conspiracy, collusion, or corruption exists against the US CONSTITUTION by the judiciary. In terms of this redress of grievances, or any other: and the actions taken by the judiciary which are NOT by any construction a method or manner of justice or right; neither the law nor due process as is promised to each and every citizen here. You shall begin with this trial and its predecessors, including US supreme court docketed case 08-1339. James F. Osterbur vs USA and state of IL.

15. To preform the oath of office you have taken: and defend, protect, and obey the constitution of this USA. You must be “blind to the assumptions of immunity for the judiciary”; it is not so. You work **For the people**, and this, their democracy. Their right, to choose for themselves. Their right as WE THE PEOPLE to demand: you shall do your job for us/ NOT simply “for them”.

DEMOCRACY IN ACTION:

17. You are not allowed to refuse; each one. So says the oath sworn to us/ so says the constitution of this USA/ so say the people, let them prove it is not so.

18. Even to fight against constitutional law is an act of open rebellion against our very society, against us all, because that is the law. There is no issue of consent: It is not an option/ there is no other interpretation/ no discretion allowed: **it is the law**. And you must obey too! That is the foundation of this society called:

WE THE PEOPLE!

If you refuse/ shall there not be consequences!

THE AUTHORITY

19. *It is our original jurisdiction as a people united under the auspices and laws of constitutional authority called WE THE PEOPLE.* That establishes our right to proceed in demanding that the employees of our nation SHALL do their jobs. Shall be

responsible for the oaths they took, to the people of this United States of America. Because the agreement under which this nation stands is the constitution and its two founding documents in support thereof; the bill of rights & the declaration of independence. These are sovereign and immune from attack. Therein we do understand as is consistent with our agreements as a democracy; which govern the possibilities and duties of us all. Redress is our right.

20. According to that declaration of independence, the following is found:

“We hold these truths to be self-evident, that all people are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted, among people, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it; and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness”.

21. According to the bill of rights; 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 3; that government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration ; and that, when any government shall be found inadequate or contrary to these purpose, a majority of the community hath an indubitable, inalienable, and infeasible right to REFORM, alter, or abolish it, in such manner as shall be judged most conducive to the public weal. And section 4; that no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community,”

22. According to the constitution itself, its preamble: *“WE the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.”*

23. In other words, OUR GOVERNMENT as is depicted in part by these primary words of understanding and agreement DOES ESTABLISH: that the law of this land, the supreme and sovereign right of this people. Shall be, to do whatever they believe is BEST for their society, for this nation, by the conference of value, called redress of grievances. Wherein as it shall be clearly proven necessary: **we shall find, the truth/ the whole truth/ and nothing but the truth!** “So help us GOD”.

24. Because whether you believe or not isn't an issue, LIFE GIVES US THE RIGHT, to not only demand equality, but guarantee justice. Because no one, “creates themselves”. Or more simply; We the people, are immune, from your suggestions of superiority: that we cannot be a democracy unto ourselves. Rather I tell you true: **OUR CONSTITUTION IS SOVEREIGN, not you. Our right to decide, the fundamental that is democracy itself.**

By the essence of life itself; the evidence that proves WE are special/ NOT just you. OUR government was formed. Today: Our reality has already established, THE absolute NEED FOR CHANGE IS GREAT! And

we must protect ourselves, for life, nature, world, and even planet. Let the people decide.

GIVE THEM their democracy/ **GIVE THEM THEIR REDRESS OF GRIEVANCES**, to become again united as one people called this United States of America. Establish this courtroom called redress, for the people. **IT'S THE LAW.**