

THE ELEMENTAL RISE ([it is now or never](#))  
THE LEGAL RETURN TO: **WE THE PEOPLE**, AND DEMOCRATIC AUTHORITY BY  
CONSTITUTIONAL LAW!

Case # \_\_\_\_\_  
IN THE US SUPREME COURT  
FOR THIS UNITED STATES OF AMERICA

“*In re* JAMES FRANK OSTERBUR”

2191 county road 2500 E.

St. Joseph IL 61873

[www.trialforlife.info](http://www.trialforlife.info) [www.justtalking3.info](http://www.justtalking3.info) [www.trialoflife.info](http://www.trialoflife.info)

vs

the United States of America  
state of ILLINOIS

dated: 4/ 30 / 13

**140 F. Supp. 925, 928.**

in the extra-ordinary case of

**332 U.S. 46, 65. 391 U.S. 145.**

a writ demanding civil penalties against the individual employees of this USA

**379 U.S. 476, 481-485**

WHO HAVE distinctly and with fervor **183 So. 759, 764.**

decided: they will NOT obey the constitution of this nation. **41 N.Y.S. 858.**

**first amendment REDRESS OF GRIEVANCES. 426 U.S. 833, 851.**

AS IT IS WRITTEN: You have no rights, and you have no laws to discard or disregard this case. That means, since you have blatantly chosen to do so, in the appeal of a US TAX COURT case 11108-12L **AND ITS ASSOCIATED EXTRA-ORDINARY WRIT** as so indicated in

now 8 legal filings within your court. 6 of which you have illegally acted to avoid. That is nonfeasance 191 N.E. 2d 5889, 591. At its minimum and malfeasance 97 S.E. 2d 33, 42.

when associated with the other blockades of fundamental democratic law/ that you have deliberately destroyed in the past: against the full and true legal standing: OUR

CONSTITUTION DOES RULE/ not you.

YOUR mandate as a clerk of the court IS NOT: to destroy constitutional intent, but support it, and let the people decide what is: as represented by this case: A LEGAL RISK OF THEIR PLANET/ THEIR NATURE/ THEIR LIVES/ THEIR FUTURE/ AND THEIR WORLD. YOU HAVE no authority, therefore malice is shown true 99 A. 2d 849, 854. Under these circumstances that is malice aforethought and comes under criminal law 75. Thereby you are found accused of criminal behavior and intent to destroy. In this case, whereby the president of this USA, the FBI of this USA, The ATTORNEY GENERAL of this USA, and the SOLICITOR GENERAL of this USA are all involved and have been notified. They are now called to do

their duty and arrest you. Try you for treason, and take you to prison/ along with whosoever gave command to GAMBLE OUR LIVES AS IF WE WERE NOTHING, but the trash.

**Your excuse is invalid, and without merit.**

**You have no jurisdiction over constitutional law: ONLY THE JUDGES OF THE SUPREME COURT ARE ALLOWED. Rules of the court CANNOT destroy constitutional law, NOR can they devalue the lives of 310 million citizens or a world that is threatened with extreme destruction.** That means: Even they cannot destroy the purpose nor intent of our constitution. BECAUSE THIS IS OUR DEMOCRACY, and it will never be their property to discard or destroy or deny.

**I have PROVEN:** that the evidence is substantial enough to warrant supreme court relief/ and that it cannot be obtained in any other form or from any other court. And these are EXCEPTIONAL CIRCUMSTANCES; because you are not “scientists/ and you are banned from just believing them as is consistent with any religion”. That means YOU MUST INVESTIGATE, AND PROVE: that extreme threats based upon theory and religion/ that use OUR MONEY AS WE THE PEOPLE/ our nation, our resources, our everything, cannot be THE DEATH OF US/ when their theories are proven wrong.  
ALL THE EVIDENCE PROVES OTHERWISE.

Which means this court stands on the brink of joining those who have proven to be terrorists.  
BECAUSE WE CANNOT BE WRONG!

### **THAT MAKES THIS A WRIT OF MANDAMUS**

**under 74 P. 695, 501 and is governed by the needs of 9 F. Supp. 422, 423.**  
This is life or death for our entire world! **No excuse is accepted/ an investigation in defense of this nation, and the protection of its citizens CANNOT BE DENIED.**  
The fair and literal evidence thereby proven to the people themselves: it is their lives, and their nation, and their world.  
**As has previously been established. To your shame.**

**remembering more from filing 7**  
demanding review of the extreme risks revealed and testified too: which begin as, a fire that cannot be controlled/ and the crucifixion of life by mutilation, that occurs everyday against all LEGAL RIGHTS AND PROTECTIONS FOR LIFE, in this USA.

576 F. 2d 165  
426 U.S. 833, 851

THE CRITICAL investigation: **319 U.S. 105, 115 WHY**, is our democracy (constitutional law) being destroyed, **our lives threatened with extinction?** **48 U.S. 1, 42.** Our LEGAL **153 N.E. 13, 17.** guarantees as a citizen DENIED. **302 U.S. 309**  
THE DEMAND, return our ownership as WE THE PEOPLE: BY, our LAW.  
**247 F. Supp. 188, 191.**

In association, with this writ  
**The 12<sup>th</sup> amendment is to be dissolved; our need has ended. 123N.W. 504, 508.**

**Filing #7**

**413 U.S. 496, 505. 627 F. 2d 906, 909.  
60 F. Supp. 235, 236.**

Separated from the constitutional developments, that assert ownership and the right to sustain, defend, and protect our democracy through constitutional law, as is OUR GOVERNMENT, in writing. Our law, described, defined, and dictated to our employees through their oath/ and to ourselves as the basis of all law; and critical foundation of our nation or our state. This extraordinary writ DOES INCLUDE the following.

**The question presented is NOT:** whether I am wrong or right regarding threats that can exterminate us all. It is not even whether those who experiment are right or wrong. That is fundamentally unnecessary.

**The question is: IN EXPERIMENTS, that literally CAN AND DO endanger our very existence as a planet/ WHICH THREATEN the very nature we require to survive and be happy; as is everything ALIVE! 221 A. 2d 315, 318. 358 S.W. 2d 302, 305.**

The reality of a decision that can take away our future, and destroy life on this planet: DEMANDS, WE THE PEOPLE, **SHALL HAVE OUR OWN SAY?** Is that NOT democratic authority and purpose! Is that NOT “America as it should be”?

The LEGAL answer is: BEING WRONG IS DEATH TO US ALL/ our right to understand fully, and decision for ourselves, without interference: is in fact undeniable!

The democratic answer is: OUR LIVES ARE THREATENED/ **therefore our legal rights, and our own decision: IS THE LAW.** Our legal authority is, WE, not you; are the owners of this nation, and this state. You are, our employee; governed by the constitution and the oath you do take/ the penalties you do accept: **to attain your job. 314 F. 2d 718, 749.**  
**Should we NOT legally be informed; of any and all consequences? Should we NOT be enlightened: as to the risk of being wrong? Should we NOT decide for ourselves: Particularly in experiments using extreme measures. 73 N.J.L. 729, 744. If we are willing to die for this theory, these people who say in effect: “we can be gods”.**

Failure to allow our public participation: Becomes treason, **69 P. 241, 243.** The reality: you have taken it upon yourselves **to gamble: with our lives/ our nation/ every child/ every living thing: and even our world, our nature, the planet itself. 278 N.E. 2d 504, 510.**

That reality as is fundamental and true states: there is NO POSSIBLE consideration, NO legal construction, or legal conception of: “abiding in the law”, or its justice. **By this decision/** that takes our lives, and our everything for their purpose, or to become their toy, **AND HIDES EVERY DANGER, as if it didn’t exist.** Using media propaganda to disguise what being wrong truly means for life, future, and planet. That is **255 N.E. 2d 793, 795. 95 N.W. 2d. 657, 664; 162 N.E. 99, 100. The law of the case.**

PROOF OF SERVICE

I, James F. Osterbur: do hereby declare, that a true and correct copy of this first filing has been mailed to the following parties at the addresses so listed:. Placing the parcel, in the US postal service/ as prepaid mail on the date of 4/ 30 / 13  
**the US SUPREME COURT 1 FIRST ST. NE. DC 20543**

**THE SOLICITOR GENERAL** ROOM 5614, Department of Justice, 950 Pennsylvania ave, NW Washington DC 20530-0001

the internal revenue service Brookhaven appeals 1040 Waverly ave. Stop 906  
Holtsville NY 11742 refer reply to: AP:FE:LI-BR2:JXS

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