

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

219 south Dearborn street  
Chicago IL. 60604

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JAMES FRANK OSTERBUR  
2191 County Road 2500 East  
St. Joseph, IL 61873

10           versus

UNITED STATES OF AMERICA, et al.

Case 08-3954

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DATED: January 5,09

RE: As expected, the court of appeals: before circuit judge  
Diane S. Sykes denies the motion for class action status.

20 12/16/08 no cause or considerations or law given. **Copy as  
received.**

**THE RETURN OF MOTION TO CREATE CLASS  
ACTION STATUS,**

25 **THE DEMAND TO ADHERE TO RULES OF  
PROCEDURE AND MAINTAIN THE COURTROOM  
WITHIN WHICH I HAVE SOUGHT JUSTICE.**

**AS THE LAW REQUIRES.**

30 Elemental legal truth then asks: why is this decision  
discarded from its appellate jurisdiction/ to that of a lower court  
judge? **The fundamental rules of procedure are: that if I am**

**working within a specific court, it is that court which must do the work and be responsible for its decision.** The court of appeals has 3 judges/ this is not one, or her title would be  
35 “appellate judge”.

The question before you the people is then as follows:  
created by the simple truth, that a wide variety of cases before  
THIS or any court are given class action status. Are there ads  
40 not on television/ in magazines/ etc: come join these lawyers  
Which in effect translates to a predator pack of lawyers raping,  
ransacking, & devouring companies and money, while giving  
only a tiny amount of money to the plaintiffs who do join.

**The reality of this lawsuit demanding absolute**  
45 **transparency/ the end of thievery in government**  
**and financial everything/ the opportunity to save**  
**this planet from endless threats; a clear and**  
**certain demand to defend this nation and uphold**  
**both duty and fundamental law, establishing fair**  
50 **play and equity where it does not exist. And a clear**  
**opportunity to obey the constitutional law called the**  
**first amendment of this constitution, and honor the**  
**people themselves/ by ending the lies, driving out**  
**the liars, and rebuilding what is so clearly**  
55 **destroyed. Plus the fact that science, military,**  
**business, & government are all threatening to kill us**  
**all/ with their games. Threatening to allow the**  
**death of millions by nothing more than a gamble.**  
**WE THE PEOPLE are entitled to speak and decide,**

60 **if OUR VERY LIVES shall be gambled with in that way or any other/ BECAUSE IT IS OUR LIVES THAT YOU RISK! You are not gods, and that means you have no right.**

65 And any court that supposes to speak for the people who can die: DOES TAKE THEIR LIVES, as a murderer/ when these gambles fail. The experiment defined here, will do just that if it works, ending the lives of millions/ or even this entire world. **And these “scientists”: must answer at a minimum: how can an atomic fire be controlled or**  
70 **contained here on earth/ WHERE EVERYTHING IS FUEL.** They WILL be required to answer more, but this one question can be understood by all! This is a statement that can be understood, “even by a judge”/ therefore no excuse exists. It is pure gambling with life on earth, by all who join them.

75 And yet this trial is declared unworthy of being before the people of life, and nation. **Even though the powers declared about to be unleashed into this world, by the national ignition facility are said to be “ MORE POWERFUL/ or more correctly MORE INTENSE, than an exploding**  
80 **supernova star”.**

This court supposes it can make a decision based upon the religion called science, wherein everything they do is ok/ because after all “they are gods themselves”. Isn’t that what this type of experiment seeks to prove? It is for a fact! “Will these  
85 scientists protect this nation or its people”? Absolutely not, they are gambling with everything, and if wrong/ then we all die! Why should I be quiet/ WHY should this or any other people not say NO, YOU SHALL NOT! This court then seeks to Deny access to the foundations of a first amendment redress of

90 grievances which demands **the people SHALL: be served,  
honored, and obeyed by their own employees.** THIS COURT  
has made its first decision on the path that ends with treason,  
where the people are denied the defenses of their first  
amendment right to redress. And these employees assume, that  
95 we the people: have no voice, no rights, and no recourse but to  
accept being assaulted by disrespect and the disease of pride and  
power and hate. For each of these insults, are in evidence here:  
disrespect of both WE THE PEOPLE AND OUR  
CONSTITUTION/ which the court is sworn to uphold: pride  
100 because there is nothing here of justice, or fair play, or equity in  
life and the reality of our lives being in danger: thereby a traitor  
in our midst. The essence of hate is clearly being formed by a  
relationship with those who conspire to hold us as prisoners in  
bondage/ with fantasy money: and delusions of playing god. We  
105 are in bondage; we have numbers called money that are not/ and  
yet the rich and powerful live as if we actually owed them our  
lives and anything this world can provide. **It is not so. Where  
there is equity in numbers, and work; then we owe. None of  
that here! Where there is equality in life and living, then we  
110 have freedom. None of that here,** where billionaires own the  
lives of millions/ fully being able to control them without even  
listening to the tears. We are slaves/ and we are facing  
expulsion from the little that we do have. Where want has been  
an enemy/ greed a predator that has this nation by its throat:  
115 and pride the vulture that seeks to rip the masses apart and take  
every possession we have. We are facing vultures who will come  
to “eat all they can”/ and then force our very lives, into civil war.  
Because that is what hate does.

And the court responds without a single word, as to why/  
120 all of society should not be aware of these realities, and their

own future! The court surrenders its jurisdiction and authority to a lower court judge/ a court judge who has no jurisdiction to make a decision for the appellate court, and it must be asked: is this simply not baiting a trap, setting out poison to fool a prey and kill it? Is that justice!

Is this the **work of the law and those who support it?** Or something else? You tell me.

THE FUNDAMENTAL THAT IS LAW, AS APPLIED BY THE FIRST AMENDMENT REDRESS OF GRIEVANCES:

states, that the mere motion to allow a class action suit is nothing more than a formality/ as redress of the people in demanding an accounting of their own government employees. FORMALLY DEMANDS that the transparency of this work/ this redress, the acceptance of THIS LAW, requires the people shall be informed. Thereby class action is NOT more than an insignificant assertion, that there may be more litigants than just me. The law allows me to be sufficient on my own/ because I am clearly a citizen here (without any possibility of stating, I am not “of the people”). I AM, both state and nation; and there is NO POSSIBILITY that any court in this land can be so delusional, so confined by fantasy or insanity as to suggest, this nation is not truly in trouble. The assumption of class action is: the rule of law allows that the people shall participate, in AN ORDERLY fashion, as they desire, within the demands of this lawsuit. But regardless of that fact: that remains so/ **MY RIGHT to petition this government for accountability: BECAUSE THEY MAKE ME PAY FOR THEIR ACTIONS, AND THE DEBTS THEY CREATE ARE ON MY DOORSTEP/ AND MUST BE ASSUMED AND CONSUMED BY MY LIFE. I HAVE AN INDISPUTABLE RIGHT TO KNOW WHAT YOU HAVE**

**DONE, ARE DOING, AND WHAT THE FUTURE HOLDS!**  
**BECAUSE YOU CHOSE TO BRING ENEMIES INTO MY**  
**TIME.**

155 WE ARE THE GOVERNMENT, you are the employee.  
THE LAW, that is a constitutional demand, REPRESENTS  
WHAT YOU MUST DO, for the people. THIS DUTY, is not  
representing what I must do strictly for me/ but demands all the  
people face the same. INSTEAD of a civic duty/ this then  
160 becomes constitutional law stating what I may do/ or must do &  
what I SHALL EXPECT from those employees hired by us to  
do this work. Constitutional law grants to me, a courtroom for  
its purposes; and gives us the courtroom as our means of defense  
from employees who do not defend our nation or world. Prove  
165 each of the legal petitions for justice, investigation, or duty; do  
not apply to this nation; or do your duty as well!

It is your job, to obey your sworn oath/ and OBEY THE  
LAW, to obey the Constitution and the people: OR face the  
people as a traitor, a criminal, and a fool [a judge, who believes  
170 he or she is above the law]. WE ARE EQUALS, before the  
law.

*There are NO exits from this trial, but the law/ and the  
law walks with me. There is no rejection of this trial by the  
people, apart from apathy and fear: EITHER YOU WILL  
175 stand up for the law and accept your role as government by the  
people! Or reality will consume this nation.* Because that is  
what you built with your greed. If you gamble, you will lose/ As  
a people and a world. **GET YOUR ASS UP!**