

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
dated July 18, 2011

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

FORMAL CONSTITUTIONAL
QUESTIONS PRESENTED:

***established by this case, for the purposes called
democracy: as WE THE PEOPLE!***

The plain and simple question presented to this court is: WILL THE EMPLOYEES OF THIS USA, Obey/ protect/ defend/ and provide the constitutional legal right called: **1st amendment, redress of grievances.**

Which means: *“We, the people, ARE the owners here, we are the authority under the constitution. This is a legal demand: the employees shall give true account of our nation directly to us. let the law rule us all; as equals”/ but let none misunderstand this is our democracy, we rule ourselves by law/ our employees do not rule us. **The law rules them, just like us.”***

The order appealed:

1. **IS constitutional law, the right to govern/ the right to establish the law: by consent of the people under their constitution/ OR** as the appeals & district court claims, strictly by consent of the judiciary? Without their consent, there is no constitutional authority or law. THIS IS “democracy undone”. This is, REBELLION in the court against WE THE PEOPLE. 229 A 2d. 388, 394
2. **IS JURISDICTION, over this case in constitutional guaranteed right: “a first amendment law”.** Guaranteed, and without the foundation or merit to dismiss by any court. OUR LAW/ OUR CONSTITUTION; the establishment of, your oath as an employee to obey. OR, an interpretation of the judiciary; without foundation in the constitution. A guarantee is a guarantee? 208 U.S. 412, 420.
3. **Is FRAUD, the denial of legal filings/ the**

- alteration and intentional malfeasance dedicated to MISINTERPRETATION** of the documents in question: a criminal act by the judiciary. 310 F. 2d, 262, 267
4. **CAN THE EMPLOYEES of this our government called the United States of America:** choose NOT to obey the law, or their oath? Choose not to defend democracy? 389 U.S. 258.
 5. WHAT are the permissible terms and conditions which apply to a “report recommendations”: 255 NYS 2d. 608, 610. **when the question is, THIS IS A CONSTITUTIONAL GUARANTEED RIGHT, WHICH YOU THE EMPLOYEES MUST OBEY.** Does not an oath describe the job/ the contract signed and accepted: to get the job. For these defendants and the court? Does not the oath state: protect/ defend/ and obey the constitution of this USA? 282 P.2d. 1084, 1088.
 6. IS IT: conspiracy and corruption: the joined efforts of two separate and distinct judicial entities/ TO DENY constitutional rights and filings: by misinterpretation and malfeasance. 38 Cal. Rptr 148, 157 **The trial is clear, the filings distinct: THIS IS A CONSTITUTIONAL GUARANTEED RIGHT CASE. Is it not collusion among these defendants, whose job it is to balance the power of the judiciary: and DEMAND constitutional adherence, for we the people?468 S.W. 2d. 160,163.**
 7. **IS LYING;** 174 N.E. 2d. 304, 308. as is consistent within the courtrooms of this USA and this state of IL by the judiciary and its lawyers representing cases: as is their claim

“rambling and mostly unintelligible filings with the court”..234 F Supp. 201, 203. ...pro se complaint demonstrates no coherent claim or request for relief and that the complaint must be dismissed for failure to state a claim for which relief can be granted.” [order 2257 judge Michael P. McCuskey]. 237 U.S. 309 *The proof being before your eyes. Proven by the filings already in existence as the cases being appealed. THEY ARE, coherent and clear! 425 P. 2d, 974, 978.*

8. **The constitution HAS NO “unspecified demands (as is the term guaranteed) for redress or for compliance with the constitution”;** 140 F. Supp. 925. THEY ARE, THE PREAMBLE OF THE US CONSTITUTION establishing the clear intent of the people/ limits for the employees.. THEY ARE, THE BILL OF RIGHTS, establishing the clear purpose of the people. THEY ARE, THE DECLARATION OF INDEPENDENCE, establishing proof, *“we hold these truths to be self-evident,that to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed;.....” REDRESS OF GRIEVANCES IS, THE CONSENT OF THE GOVERNED: that they will allow their employees to continue doing; or seek change through accountability, establishing TRUTH; and therefrom change, by their vote and authority as owners of this state and nation. According to the rights called DEMOCRACY! “Therefore, this is the trial of us, as a nation/ and cannot be dismissed regardless of whether I live or die. Should that*

- be so, the organization MOST defined, by “we work for LIFE FIRST”. Shall be given the right to proceed. Let the people decide.
9. REDRESS of GRIEVANCES, 341 U.S. 123, 162-163 by its method is: **that a legal question demanding accountability in government by the people. Shall be presented in a courtroom, to a jury of the people.** That by these people, they will establish for themselves a demand upon our government employees that must be honored. If yes/ redress must go forward: then according to the government entity being challenged: **it is a demand: to provide the truth of what have you done. To accomplish majority rule:** THERE SHALL BE repetitive trials in this redress case across the nation. As no courtroom or insignificant number of people, or plaintiff; may demand from an entire government; for proof. Rather consecutive trials, established by the people themselves, fundamentally created as a “legal majority”/ established by legal parameters and judged in jury trial by the people themselves: for the whole people.. Constitutes a legal demand upon government employees. There shall be a legal consequences for lying or failure: we demand the truth, the whole truth, and nothing but the truth. *The legal question established:* **IF WE THE PEOPLE SHALL OR SHALL NOT demand this accountability from our employees, by a legal majority ruling over our government. 286 N.W. 844, 846. AS A LEGAL DEMAND created by the owners of this government: over these employees to tell us the truth or be punished.** Therefrom

the right of ownership which is to change whatever we deem necessary as a people by our vote, comes true. Democracy enforced. **We the people DO rule here, by our law.**

10. Conspiracy is validated by US supreme court trial 08-1339/ and thereby constituted the demand to determine the truth regarding redress of grievances according to article 3, section 3: should the court continue to rule against the constitution itself. Which is an act of treason/ a rebellion against this democracy called WE THE PEOPLE. 397 U.S. 254 262-264. Wherein ONLY THE CONGRESS OF THIS USA shall have the last say over the court. **Article 3 section 3 US CONSTITUTION.** 72 F. 2d. 560, 564. These two trials, current and past ARE: “the two witnesses to the same overt act, or on confession in open court” the same as required by the constitution itself. Should this court deny our democracy: that we the people rule ourselves, by constitutional law. Not you, the employee.
WE, the people!
11. THE CLEAR imbalance in power between the judiciary and the citizen; 220 U.S. 61, 78. relies upon an assumption of immunity by the judiciary. The balance of law assigns: bad behaviors SHALL be punished/ therefore outside the law, and its intent for truth and JUSTICE: 410 U.S. 113 there is no immunity. As a distinction intended: **within the constitution/ bill of rights/ and declaration of independence.**
12. **DUE PROCESS DENIED**, is any part or process which actively operates within a courtroom to refuse the law or its foundation in

democracy: as superior to all other constraints or purposes of power and right. **Let JUSTICE be served, let the truth decide, by its evidence/ not the whim or opinion of a judge. But the law served by democracy instead. 302 U.S. 319** Not the “issuance or directive of rules”/ but the truth that serves democracy the best. That which is as section 2 of the bill of rights describes it: “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.”

Amplification of the reasons

This supreme court case is necessary, by establishment of the following. A writ is; a legal structure assigned by “the sovereign” for the purpose of compelling a person to do something mentioned therein. The constitution compels the “american government employee” to obey the constitution.

Simple and plain.

The sovereign mentioned therein is the nation called; this United States of America. **The legal structure identified as sovereign, is the US constitution.** The purpose of compelling a judge to obey the constitution constitutes a true and legitimate “rule 10 reason”: *“the US court of appeals has entered a decisionso far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this courts supervisory power.”* Or more simply: **the judiciary is compelled to obey constitutional law**, it is not allowed to “pick and choose”/ it must obey constitutional law. Your courtrooms failed, the demand for first amendment redress of grievances as is the law, exists as a constitutional citizens guaranteed right.. It is the supervisory role of the US supreme court to command and insist, that its inferior courts **MUST OBEY THE CONSTITUTION**, including a guaranteed right as

is redress of grievances.

This then conceives of, a writ of right by its association with the constitutional guarantee to me, a citizen of this USA. A contractual obligation to do what you have sworn to do, for me.

That is grant to me, and every citizen our guaranteed right, called first amendment redress of grievances.

In response to this demand for constitutional law by the plaintiff, as is redress: the US court of appeals replies.

Case no: 2:10-cv-02257, Order 4/12/2011

Quote: "Litigants may permit magistrate judges to decide civil cases.....but unless ALL PARTIES to the litigation consent on the record, the magistrate judge may do no more than make a recommendation....."

"In the present case, the parties have not consented in writing to proceed before a magistrate judge. Therefore this court lacks jurisdiction to proceed in a review of the magistrate judges "report and recommendation", of March 15, 2011.

Judges William J Bauer/ Terence T. Evans/ Ann Claire Williams

THE LIE, being that this is a civil case/ it is a constitutional case, and the litigants; as well as both courts (district and appellate) know it!

That constitutes a breach of DUE PROCESS according to the fourteenth amendment. The direct denial of first amendment constitutional citizen right. And the corruption of each judicial oath of office taken by the judiciary involved. It is contempt against WE THE PEOPLE, and OUR democracy.

There is no right of consent; as to whether an employee of this USA is entitled to discard and disobey constitutional law! IT IS THE LAW, AND THEY ARE SWORN TO OBEY IT! It is our government of the people, by the law it imposes on each and every employee; as well as this people. No interpretation is allowed, to interfere with guaranteed rights.

That fact, and this evidence of contempt against the constitution and its guarantees to we the people of this USA.

DEMANDS: **the US supreme court shall intervene.
Or be found in open rebellion against the constitution/
thereby, people of this nation.**

**THE QUESTION PRESENTED FIRST: for
the plaintiff.**

In the correspondence of the US supreme court dated:
April 27, 2011
from Ruth Jones.

**You state: that certiorari must be reviewed by a
United States Court of Appeals, or the highest
state court in which a decision could be had. A
*DECISION has now been made.***

This case previously tested at the appellate level was refused due to the lack of an order of the district court, determining judgment as of that time. Based upon the district courts fraudulent conveyance of a report and recommendation/ instead of an order of the court. The appellate court refused to adhere to the rules of a courtroom: "that I am entitled to a judgment, on the law presented/ NOT a mock trial, constructed by the judiciary in contempt of the law, the nation, and this people." Again and again, as the lawsuits on redress in my name declare is: collusion/ conspiracy/ corruption/ and the criminal organized denial of constitutional law and the people of this democracy; prove true.

1 Williston contracts 1 (4th ed. 1990, 1995) a promise breached, requires the law to give a remedy.

That refusal of duty is now dismissed with the order of the district court received on this day June 7, 2011. Chief US district judge; Michael P. McCuskey. The district court thereby resurrects itself from complete failure.

The order and judgment of the district court is now in my hand. *"I include that order: WITH THIS NOTICE TO THE COURT."* along with, its initiating claim for review prior to printing/ and trial at the US supreme court level.

The appellate court has also sent notice they will destroy the record in ten days. Sent June 6, 2011.

Having failed the test of THE QUESTION ESTABLISHED, IN *1 Williston contracts 1 (4th ed. 1990, 1995) a promise breached, requires the law to give a remedy.*

THIS initial case first sent to the us supreme court April 20, 2011; as a test to determine:

Do you as the overseers of the judicial system of this USA, demand justice shall be done? Do you demand that the process of law, **due a citizen** in this USA in any lower court: BE GIVEN proper and real authority to accomplish the task of law and justice for the people under constitutional rule? Do you recognize failure and foolishness in the court over which you supervise, and correct that failed behavior; as is clearly defined previously in cases 10-2257 & appellate 11-1639? Do you establish the contractual demand that is ***a promise breached, requires the law to give a remedy: as is a constitutional guarantee?***

Because my rights were not only breached: my demand for constitutional law, as is guaranteed to each and every citizen was ridiculed, discarded in the trash, and otherwise disrespected. Not only, did I paid money for people dressed in robes to laugh at my request for constitutional law, must be obeyed. I paid money for people whose authority comes only, from constitutional law to discard/ demean/ disgrace/ and disrespect that very law; thereby this nation. I paid money for a fair and legitimate hearing on the issues

that are the law of this land, a reality that must be obeyed not only by the people, but by every single judicial/ governmental employee in this nation. Because it is the law, and you are not rulers: but employees.

There is no substance to the previous ruling applied by the appellate court: they refused judgment based upon the fact the district court did not give its judgment but relied upon “report and recommendation” which is nothing more than a fraud used to conspire, in the court: to withhold from me my constitutional guarantee. The failure to pass judgment, then a purpose clearly used entirely: simply to remove me from judicial process, as is appeal to the supreme court. This supreme court is then required: either to accept this case, OR to instruct the appellate court, now has a chance to redeem itself and renew the case called 11-1639/ voiding its issuance of mandate. So that it may choose to obey constitutional law instead.

By sending the appellate court this same document or filing of a supreme court case: to you. I do expect a supreme court case. But, In the alternative I do expect the US supreme court to instill a proper and fundamental obedience to the law and due process in the appellate court, 7th district, so that they reopen the case, and do their sworn duty. They are hereby instructed to stop the process of destruction as they have ordered, and prepare for trial; as is the law. Dependent upon your decision.

In summation: the moral turpitude 44 So 2d 802 of a judiciary conspiring to withhold a constitutionally guaranteed right from me/ both in the US district and appellate courts. Guarantees to me that a failed judgment is moot/ a mandate to dismiss not based upon law, is in error/ **and a supreme court**

unwilling to defend the constitution of this USA with or without the support of “tiny and insignificant rules” **PROVES CORRUPTION.**

YOUR covenant with this people is to obey the constitutional law, and guarantee its authority, and our nation shall be ruled as WE THE PEOPLE. There is NO allowance for discarding democracy, or interpreting a bias crime; holding that this people, or me, should not be given our guaranteed constitutional rights.

Further **having failed in the duties of your job**, *overseeing the lower courts for the purpose of justice, and the upholding and honor of democracy as is constitutional law/* **places this US supreme court in disrepute.** It was your job, to insure that every citizen shall find their legal solution in the court. By law. You failed, and proved disrespect for the nation/ for due process/ and a complete disregard for justice. And it establishes the base used to demand: is there a **conspiracy within the judiciary of this United States of America.** To deny, discard, and destroy a foundation guarantee that the American people gave to themselves: as is redress of grievances, through their constitution. *According to the declaration of independence: “governments are instituted among men, deriving their just powers through the consent of the governed”.* Because that would be **“treason”.**

Proof, an enemy has taken over our government. Thereby we would expect to see, that enemy take over communications/ as in media control, by a tiny few.

A tax revolt: As is the words of the bill or rights: section 3 *“when any government shall be found inadequate or contrary to these purposes, 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". Is not only our legal right/ it is our undeniable duty according to the revolutionaries who built the nation.

DEFEND THE CONSTITUTION AND ME, "I dare you, to prove your oaths".

**THE QUESTION PRESENTED 1:
FOR THE PEOPLE**

"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.

This is, A constitutional question before the court which affects us all/ the nation is then included. Because it is a foundation of our government: called WE THE PEOPLE! 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! IT THEN IS, your duty to enforce that right.

QUESTION PRESENTED 2: for the people

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:

the US supreme court

(you must answer the question: will you obey constitutional redress of grievances law; past failure puts you on trial too)/ this has become more than a legal question: it is now a question against the judiciary: are you AT WAR against the constitution of this USA.

defendants are as listed:

United States of America

Internal Revenue Service/ **dept of the Treasury**; 1500
Pennsylvania ave NW DC 20220
the Solicitor General ROOM 5614, Department of
Justice, 950 Pennsylvania ave, NW Washington DC
20530-0001
the Attorney General US dept of Justice 10th and Constitution
avenues NW Washington DC 20530
the President Barrack Obama; 1600 Pennsylvania ave NW ,
DC 20500

Added to this list, under article 3, section 3 is
now: **THE US CONGRESS**, for the US SENATE,
JOE BIDEN officer pro tem, Washington DC 20510.
For the US HOUSE OF REPRESENTATIVES JOHN
BOEHNER office of the speaker, H232 the capitol,
Washington DC 20515 and the **Federal Bureau of
Investigation**. ROBERT S. MUELLER 935 Pennsylvania
ave NW Washington DC 20535-0001

**Because issues have arisen with treason;
against the USA. Signs of corruption/
conspiracy/ and collusion in the courtroom of
this United States, against the constitution of
this USA; and this people.**

**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 AUTHORITY: OUR DEMOCRACY

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.

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”.

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,”.

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.”*

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”.

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 truth that is democracy itself, by law and through redress: belongs to no one else, but we the people.**

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. Because those who represent us have failed: REQUIRES IMMEDIATE we the people intervention/ through legal redress, and a tax revolt to prove we are the authority, and the constitution/ bill of rights/ and declaration of independence: is our government: NOT the employees. 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. For the purpose of protecting, demanding, and performing the duties of citizenship: to keep the truth alive as our nation is intended to be. Establish this courtroom called redress, for the people. **IT'S THE LAW. It is not "your choice"/ it's the law. IT IS OUR CHOICE, as a people to decide.**

THE DECISIONS/ opinions, reviewed:

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

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.

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.

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.

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.

STATE OF JURISDICTION/ CONSTITUTIONAL PROVISION

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.

STATEMENT OF THE CASE

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.

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.

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.

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.

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.

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.

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”.

GRANTING THE WRIT:
REDRESS OF GRIEVANCES:

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.

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.

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.

DEMOCRACY IN ACTION:

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.

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!

“Is treason NOT, what you believe you are”/ BUT, the truth of what you actually did do?

LET THE PEOPLE DECIDE. Not me.

In summary, this case exists only because a letter was sent to the pro se clerk of the US supreme court/ which resulted in an order from the district court finally being sent to me. Otherwise like other cases; “it just disappears”. Proving a conspiracy to deny what is constitutional law called redress of grievances. As is provided in #47 of the appendix; a short list of the many delusional rants and ravings of the courts involved; all claiming frivolous/ incomprehensible/ etc; to my claim of both state and nation, that OUR EMPLOYEES must do their job as the constitution demands rather than whatever they choose; as is consistent with the claim of a ruler/ rather than an employee. Their claims are proven untrue again/ as this case is not frivolous, nor incomprehensible, etc. Investigate for yourselves.

Then establish: if I a pro se litigant who has successfully defended against all the legal claims/ only to be driven from the law by what is nothing more than delusional “ranting and ravings” from the court: or more specifically lies. What chance for justice does any other pro se litigant have? The answer is absolutely none; proven again it is not the law that rules, but the whim and opinion of a judge. That is not democracy/ that is treason. The balance of power is missing; buried under the weight and burden of a claim by the judiciary for immunity: it “patently and without merit”: does not deserve.

REDRESS OF GRIEVANCES IS; our right as owners of this nation established by our vote/ our democracy established by our laws/ and the distinction called we the people in full view for the world to see.

The judiciary having declared themselves

immune from the people, the law, and the constitution in terms of redress of grievances either state or nation/ have effectively declared war against the people; by removing the balance of power, which makes them responsible for what they do. The failure to obey the law/ your oath/ our constitution is treason.

The clear demand: that no true access to the court exists without paying the lawyer exists as extortion.

The foundation, purpose and passion of this work is NOT legal, but the reality: this world, is in grave danger/ and we only die once. We cannot be wrong. See appendix #45 **THE SIGNS OF A true CONSPIRACY, “NOTHING is more important than controlling the people”**. And #46, “extreme issues; we must address as a nation and world.
www.justtalking3.info”

The trial in US DISTRICT COURT 10-2277 as identified in appendix #45 is conspiracy without doubt: to rule our lives/ rather than serve; to destroy our lives/ rather than protect; to claim superiority “they know”/ rather than to accept equality with the people; and does establish that not only does the federal system of courts deny first amendment redress of grievances. This 10-2277 is a demand to make the state judiciary of IL provide its own guaranteed redress of grievances to the IL people. David G. Bernthal judge.

This US SUPREME court case is about redress/ this case is about guaranteed rights state and nation. This trial by the list of defendants proves every single defendant does have the ability to make the case happen. And today we see: “is this democracy, WE THE PEOPLE”/ or is it treason: “ruled not served”.

*petitioner files pro se, as a citizen of this USA.
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