

The United States District Court District of Colorado 901 19th St, Denver, CO 80294 (303) 844-3433 Plaintiff: Joshua Abrams v. Defendant(s): Division of Unemployment Insurance, et al	▲ COURT USE ONLY ▲
Joshua Abrams, Pro Se abramslive@gmail.com 720-910-4829 P.O. Box 761 Loveland CO 80539	Case Number: 1:24-cv-03390 Division: Courtroom
Plaintiff's Emergency Injunction	

Plaintiff respectfully seeks a narrow temporary restraining order (TRO) and preliminary injunction under Federal Rule of Civil Procedure 65 to prevent ongoing constitutional and statutory harms in Colorado's administration of unemployment insurance (UI). Plaintiff requests injunctive relief by: (1) ordering prompt reprocessing of his 2023 claim with due process and ADA accommodations, including proper aggregation of cross-state wages; and (2) limited, interim programmatic guardrails to ensure a functional, accessible path for underpayment, cross-state wage, and timing disputes while this case proceeds. This relief is prospective injunction under Ex parte Young 1908. This motion is urgent because the harms are systemic, ongoing, and constitutional. Defendants' policies and customs of no notice on core disputes, misrouting of appeals, oral-only ADA accommodations via an overburdened call center, and retaliatory "integrity" holds without transparent reasons all predictably injure Plaintiff and similarly situated claimants, causing irreparable harms resulting from economic instabilities. Absent relief, these defects will persist, evading federal review through procedural barriers condemned in Williams v. Reed 2025. As a pro se, indigent, disabled litigant Plaintiff faces significant barriers in formalizing exhibits; liberal construction is warranted. Plaintiff's

disabilities substantially impede his ability to secure and sustain employment, making him uniquely dependent on the lawful, accessible, and timely administration of public benefits. When payments are interrupted—even briefly—the resulting loss of subsistence income causes immediate, irreparable harm: threatened housing, disrupted medical care, and diminished capacity to search for work. These are not inconveniences remediable by later monetary awards; they are acute deprivations that compound with each day of delay. Emergency relief is therefore warranted to prevent further due-process and effective-communication violations and to ensure compliant, written, and timely adjudication of Plaintiff’s claim. The requested interim measures merely preserve the status quo required by law and align with the public interest in safeguarding vulnerable beneficiaries through orderly, non-arbitrary administration.

1. Plaintiff filed a claim in March 2023. A determination issued in early April set a low weekly benefit after excluding wages earned in another state, creating an unresolved underpayment and timing errors. The agency’s notices and appeal structure provided no workable path to challenge that dispute: templated notices omitted the core issues, and appeals were funneled into non-remedial tracks or rejected on procedural grounds without reaching underpayment or timing. Plaintiff disclosed disabilities—including autism and oppositional defiance disorder—and requested effective, human-facilitated communication in writing; the agency maintained an oral-only accommodation pathway through a congested call center, offered no written portal or proactive coordinator outreach, and failed to engage in an interactive process. The lack of an accessible communication channel forced unsafe, in-person efforts during periods of heightened health risk and led to illness and lost work opportunities. In a later call, an agent falsely asserted Plaintiff’s bank was incompatible and conditioned processing on enrollment in a fee-bearing payment card; subsequent deposits to the same bank disproved that assertion and demonstrated

coercive vendor steering. Public reporting and prior litigation reflect that these are not isolated events but symptoms of broader systemic deficiencies in notice, routing, and access. Plaintiff now faces eviction risk, interruptions in medical care, and loss of subsistence income—harms that are immediate, ongoing, and irreparable, and that flow directly from the denial of constitutionally adequate notice, a functional appeal route, and ADA-compliant access.

Plaintiff's irreparable harms are documented in the administrative record and readily verifiable. The July 9, 2025, eviction notice threatens imminent housing loss, medical records confirm COVID-19 and conjunctivitis contracted from forced in-person visits in April 2023, and CDLE's own claim records reflect the \$6,000 underpayment due to excluded cross-state wages. As an indigent, disabled pro se litigant without PACER access, Plaintiff respectfully relies on the existing docketed record but can promptly lodge certified copies of these documents under seal, with redacted public versions, upon the Court's request. These harms—eviction, medical disruption, and ongoing benefit denial—are immediate and irreparable, necessitating urgent relief.

2. Defendants should be ordered, within ten days, to reprocess Plaintiff's 2023 unemployment claim on constitutionally adequate terms. That requires issuing a new written determination that squarely addresses the underpayment dispute—including proper aggregation of out-of-state wages consistent with federal conformity and the “when due” mandate, 42 U.S.C. § 503(a)(1). It also requires an ADA accommodation plan tailored to Plaintiff's needs, including identification of an ADA coordinator, a reliable written communication channel (such as email or a secured web form), and, where needed, scheduled callbacks within forty-eight hours, together with a

documented interactive process. The agency should accept written submissions, conduct any necessary fact-finding by phone, video, or in writing, and allow reasonable response times. A status report filed within fourteen days should confirm the steps taken, dates completed, and the projected date for final administrative action. This relief is sought solely against Defendants in their official capacities under *Ex parte Young* (209 U.S. 123), targeting agency processes to ensure constitutional and statutory compliance without implicating individual liability.

3. Pending adjudication on the merits, Plaintiff asks the Court to impose narrow, process-focused guardrails to prevent recurring procedural harms and ensure effective communication.

Specifically: require the agency to publish a written ADA/§504 request pathway and identify an ADA coordinator; to acknowledge each accommodation request in writing within five business days with a clear determination, the accommodation to be provided, and a prompt route for clarification or appeal; to maintain written channels (email/secure portal/mail) and human-facilitated assistance rather than a phone-only pathway; to provide a functional route within existing appeals or magistrate processes for underpayment, cross-state wage, and timing disputes, including a catch-all category when an issue is not listed; to route misdirected appeals to the proper track rather than reject them; to toll deadlines where adequate notice did not issue and to run a standard forty-five-day appeal window from actual receipt of a compliant notice; and, when a claimant encounters a phone dead end, to provide a scheduled callback or written response within forty-eight hours by reallocating existing resources. As to Plaintiff, the agency should refrain from imposing or maintaining “integrity holds” absent particularized written reasons and an accessible cure path. These interim measures are narrowly tailored, preserve agency discretion, rest on existing capacity, directly address Plaintiff’s imminent housing and medical risks, and expire automatically upon final adjudication.

4. Given Plaintiff's indigency and disability, and the strong public interest in constitutional compliance within a federally supported benefits program, the Court should waive the Rule 65(c) security requirement or set a nominal bond of one dollar. See, e.g., authority recognizing nominal or waived security where public-interest relief is sought by an indigent movant.

5. This motion is distinct from prior filings dismissed on September 2, 2025, as it incorporates new evidence and ongoing harms not previously adjudicated. The July 9, 2025, eviction notice, March 15, 2025, ReliaCard coercion incident, and continued denial of ADA accommodations post-date the prior dismissal, constituting fresh injuries. *Williams v. Reed* (2025) further clarifies that no ongoing state proceeding bars federal review, and Plaintiff's new allegations of systemic ADA and due process violations strengthen the case for emergency relief.

Legal Standard

A TRO/preliminary injunction requires: (1) likelihood of success on the merits; (2) irreparable harm absent relief; (3) balance of equities favoring movant; and (4) public interest alignment.

Winter v. NRDC, 555 U.S. 7, 20 (2008). In the 10th Circuit, constitutional violations weigh heavily toward irreparable harm, and pro se filings receive liberal construction. **Elrod v. Burns**, 427 U.S. 347, 373 (1976); **Diné Citizens Against Ruining Our Env't v. Jewell**, 839 F.3d 1276, 1281 (10th Cir. 2016); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991). No exhaustion or abstention applies, as no "ongoing state proceeding" exists under *Williams v. Reed* 2025, and §1983 claims require none. **Patsy v. Bd. of Regents**, 457 U.S. 496, 516 (1982).

Argument

Individual Reprocessing (First Request)

1. Likelihood of Success

Procedural Due Process (Fourteenth Amendment). The record shows two core defects: (1) non-notice on the actual dispute (underpayment/cross-state wages) and (2) misrouting that forecloses a hearing on that dispute. That design creates a high risk of erroneous deprivation, while the requested safeguards—issue-specific written determinations that present the real issue, and a functional route to raise it—are modest and highly probative of accuracy. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). UI procedures must be “reasonably calculated” to pay benefits when due; a system that never notices the real dispute and then rejects attempts to raise it is not. 42 U.S.C. § 503(a)(1); *California Dep’t of H.R.D. v. Java*, 402 U.S. 121 (1971).

ADA/§ 504 (Effective Communication and Accommodation). Plaintiff disclosed disability and asked for human-facilitated, written/ coordinator-managed communication; the agency provided no written pathway, imposed an oral-only requirement through a congested call center, and failed to engage in an interactive process. That is a denial of effective access to a public program. *Tennessee v. Lane*, 541 U.S. 509, 531 (2004); *Duvall v. Cnty. of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) (knowledge + failure to act → deliberate indifference). Plaintiff is likely to prevail on prospective ADA/§ 504 relief (and, at merits, § 504 economic damages upon proof of deliberate indifference).

Prospective Posture. The requested order is reprocessing with accommodations and oversight. It does not award back pay; any fiscal effect is an incidental byproduct of lawful process. *Ex parte Young*, 209 U.S. 123, 159–60 (1908).

2. Irreparable Harm

Loss of housing stability, subsistence income, and access to medicine are irreparable; constitutional injuries are likewise presumed irreparable. Each day without a compliant determination and accessible process compounds the harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Diné Citizens Against Ruining Our Env't v. Jewell*, 839 F.3d 1276, 1282 (10th Cir. 2016).

3. Balance of Equities

Plaintiff seeks **process-only** relief: an issue-specific written determination, ADA-compliant communication, and accessible fact-finding. These are administrative steps the agency can perform quickly; by contrast, Plaintiff faces imminent, concrete harms. The equities favor a narrowly tailored order.

4. Public Interest

Public interest strongly favors constitutional compliance in a federally supported benefits program—improving accuracy, preventing avoidable evictions and medical interruptions, and conserving public resources downstream. *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016).

II. Interim Process Guardrails (Second Request)

1. Likelihood of Success. The requested guardrails are modest procedural corrections that implement settled law. Requiring clear, issue-specific notices and a functional route to present the actual dispute gives effect to *Mathews'* guarantees of adequate notice and a meaningful opportunity to be heard. Ensuring misfiled appeals are routed rather than rejected, tolling deadlines where notice was defective, and adopting a reasonable 45-day appeal window from

actual receipt makes the process “reasonably calculated” to deliver benefits when due under 42 U.S.C. § 503(a)(1) and *Java*. Establishing a written ADA intake with coordinator acknowledgment and prompt timelines enforces effective-communication duties without dictating outcomes, consistent with *Lane* and *Duvall*.

Because Defendants have acknowledged a phone-only bottleneck with insufficient callback capacity, a temporary requirement to reallocate existing resources to enable scheduled callbacks or written responses within a reasonable amount of time is a minimal, outcome-focused fix that enforces due process and ADA obligations without mandating hires or budget changes. These measures are narrow, prospective, and minimally burdensome they regulate process, not results—and are therefore likely to be upheld. (To the extent the Court addresses abstention sua sponte, these guardrails remedy the absence of any adequate ongoing proceeding and thus raise no *Younger* concern.)

2. Irreparable Harm. Without guardrails, recurring defects cause predictable injuries across the claimant population: deadlines triggered by defective notices; rejection of misrouted appeals; lack of a written ADA channel and no callback capacity, particularly harming disabled claimants; and integrity holds without particularized reasons or a cure path. These conditions foreseeably produce irreparable losses of housing, income, and access to medicine for Plaintiff and similarly situated claimants. Process failures today cannot be repaired by after-the-fact damages tomorrow.

3. Balance of Equities. The measures sought are light-touch and output-oriented: publish a written ADA intake with coordinator contact; route (not reject) misdirected appeals; add a simple catch-all category; toll deadlines where notice was inadequate; adopt a 45-day appeal window keyed to actual receipt; and, given Defendants’ own admissions, temporarily reallocate existing

staff or workflows to provide scheduled callbacks or written responses within 48 hours when claimants hit the phone dead end. The administrative burden is modest; the avoided harms are severe and immediate. The equities favor interim guardrails.

4. Public Interest. Accessible, accurate UI adjudication serves the public by reducing error, preventing evictions, and maintaining continuity of care and work-search, while preserving agency discretion. Temporary guardrails—especially a written two-way channel and time-bounded responses—increase trust and compliance in a system affecting thousands of Coloradans and align state practice with federal due-process, ADA effective-communication, and “when due” standards.

Narrow Tailoring and Duration. The guardrails are temporary, process-focused, and non-outcome-determinative. They specify outputs (clear notices, routing, tolled deadlines, a 45-day window, a written ADA channel, and timely responses) while leaving means and staffing choices to Defendants. They preserve agency discretion and **sunset** upon final order or further direction of the Court, ensuring relief is no broader than necessary.

Plaintiff is prepared to furnish, on the Court’s request or direction, the core materials already reflected in the administrative and docketed record relevant to emergency relief—namely, agency determinations and appeal records, disability disclosures and accommodation requests, agency communications practices (including phone-only/auto-reply policies), staffing/callback capacity declarations or audits, and current housing/eviction notices evidencing irreparable harm. To minimize duplication and burden, Plaintiff respectfully asks the Court to consider the existing record for TRO/PI purposes; if the Court prefers working sets, Plaintiff can promptly lodge true

and correct (and, where applicable, certified) copies. Upon the Court's instruction, Plaintiff will also provide pinpoint record citations or any additional materials the Court designates.

Joshua Abrams

Date: 09-21-2025 | ☐ Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE & AUTHENTICITY

I certify the filings are true and accurate to the best of my knowledge done in good faith and under acknowledgement of perjury. & That on 09-21-2025 a true and accurate copy of this filing were served on Defendants by: E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov