

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, 251 E 12th Ave Denver, CO 80203 [Joe Barela, Jeff Fitzgerald, John/Jane Doe(s)]	FILED UNITED STATES DISTRICT COURT DENVER, COLORADO <i>11:55 am, Feb 26, 2025</i> JEFFREY P. COLWELL, CLERK ▲ COURT USE ONLY ▲
Joshua Abrams, Pro Se abramslive@gmail.com 609-968-9360 10722 N Parfet Street Westminster Colorado 80021	Case Number: 1:24-cv-03390-RTG Division: Courtroom
EMERGENCY INJUNCTION	

Plaintiff, appearing pro se, indigent, and disabled, respectfully moves this Court for an emergency injunction against the Colorado Division of Unemployment Insurance , Defendant(s) due to its ongoing unconstitutional denial of access to critical unemployment benefits, its failure to maintain accessible communication channels, and its systemic violations of the First and Fourteenth Amendments and the Americans with Disabilities Act (ADA). Immediate judicial intervention is necessary to prevent irreparable harm.

Plaintiff filed this action about a month ago seeking relief for unpaid benefits and constitutional violations from Defendant’s mishandling of his claim two years prior. At that time, delays were excessive but marginally functional. Now, the system has collapsed—phone lines are unreachable, online portals offer no recourse, and in-person assistance is nonexistent. The situation is far worse than anticipated, leaving Plaintiff and countless others in a financial crisis without due process. Immediate judicial intervention is necessary to address this escalating harm.

FACTUAL BASIS FOR RELIEF

1. Systemic Denial of Benefits Without Due Process:

- Plaintiff applied for unemployment benefits on January 31, 2025, received an approval letter confirming eligibility and benefit amount, yet has been unable to access funds due to an unexplained “integrity hold” that provides no clear reason, instruction, or means to resolve.
- Defendant has not provided a mechanism for claimants to contest or inquire about these holds, effectively depriving Plaintiff and countless others of their right to due process.

2. Plaintiff’s Effort to Contact :

- Plaintiff has made diligent, documented attempts to resolve the “integrity hold” on his unemployment benefits claim through Defendant’s communication channels, to no avail. This week alone, Plaintiff placed the following unanswered calls to Defendant’s designated phone line:
 - Monday, February 24, 2025: 8:24 a.m., 9:02 a.m., 10:46 a.m., 11:37 a.m., 2:24 p.m., 3:50 p.m.
 - Tuesday, February 25, 2025: 1:06 p.m., 3:29 p.m.
 - Wednesday, February 26, 2025: 9:05 a.m., 10:40 a.m.

The phone system appears entirely nonfunctional, offering no option to speak with a live agent, request accommodations, or obtain status updates on claims. Calls either disconnect, direct to an automated AI system incapable of addressing Plaintiff’s issue, or indicate the “queue is full” without disclosing its size or estimated wait time. The online portal similarly lacks any mechanism for direct communication or resolution, redirecting users to the same

inoperative phone line. Even in-person visits to Defendant's office have proven futile, as staff provide only a phone number identical to the one already attempted and assert the queue is full, offering no alternative assistance. This complete absence of operational communication channels, coupled with no visible progress on processing claims, leaves Plaintiff with no viable path to redress. The systemic breakdown effectively denies Plaintiff access to critical unemployment benefits, exacerbating financial hardship and constituting immediate, irreparable harm necessitating urgent judicial intervention.

3. Complete Lack of Accessible Communication and Assistance:

- Defendant's online portal does not allow direct messaging or inquiry regarding claims.
- Defendant's only listed contact is a singular phone number that has been completely non-functional—calls are immediately rejected as the queue is “full” regardless of the time of day. There is no callback option, appointment scheduling, or alternative contact method.
- The accessibility feature on Defendant's website offers only general feedback submission and a limited 30-minute service ONLY for the blind, failing to address broader communication needs, particularly for disabled individuals like Plaintiff.
- Public records and statements from other state agencies indicate that thousands of individuals have reported similar issues, confirming that this is a systemic failure affecting a significant portion of claimants.

4. Immediate and Ongoing Harm to Plaintiff and Others:

- Plaintiff's lack of access to approved benefits has resulted in an inability to pay rent, car insurance, and vehicle registration, placing Plaintiff at risk of eviction, financial penalties, and legal consequences for driving an unregistered vehicle.
- These economic hardships directly result from Defendant's unlawful withholding of benefits and lack of accessible recourse, amounting to irreparable harm.
- Disabled individuals, including Plaintiff, are disproportionately affected due to the complete absence of accessible communication channels, further exacerbating the constitutional and statutory violations at play.

REQUESTED RELIEF

Plaintiff respectfully requests that this Court grant the following emergency injunctive relief:

1. Establishment of Accessible Communication Channels

An order mandating Defendant to implement, within fourteen (14) days of this Court's ruling, the following functional and accessible communication mechanisms for unemployment claimants, including Plaintiff:

- a.** Restore and maintain a fully operational telephone service with sufficient staffing to allow claimants to inquire about their claims, with average hold times not exceeding thirty (30) minutes, or such time seemed reasonable or accessible;
- b.** Implement a callback or appointment scheduling system, operational within the unemployment claims portal or via telephone, ensuring claimants can schedule a call with an agent within two (2) business days of their request; and
- c.** Provide a secure online messaging system within the unemployment portal, enabling claimants to submit inquiries and receive written responses from an agent within three (3) business days.

2. Compliance with the Americans with Disabilities Act (ADA)

An order requiring Defendant to, within fourteen (14) days of this Court's ruling, ensure full compliance with Title II of the ADA by providing disabled claimants, including

Plaintiff if applicable, with effective and accessible means to apply for, inquire about, and receive unemployment benefits. This includes, but is not limited to:

- a.** Offering alternative communication methods (e.g., text telephone services, video relay, or email support) for claimants with hearing, speech, or other disabilities; and
- b.** Ensuring that all online portals and telephone systems are compatible with assistive technologies commonly used by individuals with disabilities.

3. Expedited Relief and Ongoing Oversight

Given the immediate and irreparable harm caused by the ongoing deprivation of unemployment benefits and the absence of effective communication or redress, Plaintiff requests:

- a.** An expedited hearing on this motion for preliminary injunction within seven (7) days of filing; and
- b.** A requirement that Defendant submit a compliance report to this Court within thirty (30) days of the order, detailing actions taken to satisfy the above directives, with the Court retaining jurisdiction to enforce compliance.

Plaintiff submits that this relief is necessary to prevent further constitutional violations, including violations of due process under the Fourteenth Amendment, and to avert severe financial hardship constituting irreparable harm. The requested timelines and specifics are designed to balance urgency with feasibility, ensuring Defendant can reasonably comply while addressing Plaintiff's immediate needs.

The Defendant's complete lack of communication channels constitutes a clear violation of Plaintiff's First Amendment rights. The First Amendment protects the right to petition the government for redress of grievances, which includes seeking resolution for withheld unemployment benefits—a recognized property entitlement. By maintaining a system where phone lines (e.g., 303-318-9000) are perpetually nonfunctional, online portals offer no direct contact, and in-person visits yield no assistance, Defendant indiscriminately blocks all avenues

for Plaintiff to communicate with the agency or challenge the “integrity hold.” This total barrier prevents Plaintiff from petitioning for his entitled benefits, rendering the constitutional right meaningless.

This same absence of communication also violates the Fourteenth Amendment’s due process clause, compounding the First Amendment harm. Due process requires notice and an opportunity to be heard before depriving someone of a property interest, such as approved unemployment benefits. Defendant provides neither. The “integrity hold” lacks explanation, and the system offers no process—let alone a fair one—to contest it. With no functional phone support, no messaging option, and no in-person recourse, Plaintiff is left powerless to address the deprivation, a failure worsened by the inability to even petition for relief as guaranteed by the First Amendment.

As a disabled individual with autism, Plaintiff is uniquely harmed by this systemic breakdown. Clear communication channels are essential for Plaintiff to navigate government services without triggering severe mental health challenges. The lack of any accessible means to resolve this issue—despite Plaintiff’s documented efforts—has led to frustration, depression, and anxiety, at times causing Plaintiff to lash out unfairly at home and in broader social interactions. Disabled individuals like Plaintiff, who are more susceptible to mental health spirals, face disproportionate harm from Defendant’s refusal to provide basic access. This not only exacerbates Plaintiff’s financial crisis but threatens further deterioration of his mental well-being, amplifying the irreparable harm at stake.

Regarding exhibits and evidence, Plaintiff contends that requiring sworn affidavits from phone operators or additional external evidence places an unreasonable burden on an indigent,

disabled, and self-represented party. Plaintiff can provide call records, screenshots of the online portal, and other documentation within his limited means, should the Court request specific exhibits. This willingness to comply reflects Plaintiff's good faith, but he respectfully asks the Court not to demand excessive or unnecessary submissions upfront. The evidence of Defendant's nonfunctional system is self-evident, accessible even to the Court by dialing 303-318-9000 and experiencing the "full queue" rejection firsthand.

Plaintiff appreciates the Court's extension and understands the case may be pending review. However, the urgency of this motion extends beyond Plaintiff, as systemic failures in the unemployment system are depriving thousands of due process and essential benefits. With no communication access and arbitrary holds, immediate intervention is needed to prevent further harm to vulnerable individuals.

Date: 02-026-2025 | ☐ Petitioner/Plaintiff

Joshua Abrams, Pro Se