

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>4:18 pm, Mar 25, 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-RMR Division: Courtroom
Plaintiff's Motion for Default, Injunctive Relief, Enforcement, Sanctions, and Hearing	

Plaintiff Joshua Abrams respectfully moves this Honorable Court to enter default judgment against all named Defendants, grant Plaintiff's Emergency Motion for Injunctive Relief in full, set a hearing to address enforcement and next steps, appoint a Special Master to oversee compliance, impose appropriate sanctions for continued noncompliance, and assign court-appointed counsel should the Court find it appropriate. Defendants have failed to comply with this Court's March 7, 2025 Order requiring a response within fourteen (14) days of service, which was completed the same day. As of the date of this filing, March 25, 2025, no appearance, response, or defense has been submitted by any Defendant.

I. Background

1. Plaintiff filed an Emergency Motion for Injunctive Relief on February 26, 2025, along with a supporting legal brief on March 19th with evidentiary exhibit detailing ongoing constitutional and statutory harm caused by the Defendants' failure to process

unemployment benefits and maintain accessible communications.

2. On March 7, 2025, this Court issued an order directing the U.S. Marshals to serve the Defendants and require them to respond within fourteen (14) days of service.
3. Service was completed that same day, March 7, 2025. The response deadline was therefore March 21, 2025.
4. As of March 25, 2025, no Defendant has entered an appearance or submitted any response, in direct violation of the Court's order. Plaintiff called the clerk that day and confirmed no entry or submissions by the defendant exist.
5. Despite proper service this continued silence appears to violate the Court's lawful order requiring a response within fourteen (14) days of service. The absence of any communication or filing suggests a failure to respect the Court's directive and raises concerns of noncompliance warranting judicial intervention.

II. Legal Standards and Authority

A. Default Judgment is Appropriate Under Fed. R. Civ. P. 55(b)

A default judgment is warranted where, as here, the Defendants have been served and have failed to plead or otherwise defend. The Court set a clear deadline for responsive pleading. Defendants have failed to meet it, forfeiting their right to contest the allegations. Federal courts may enter default judgment where a defendant fails to respond after proper service. This is considered admission by omission. Under Rule 55, courts enter default judgment after the clerk records a defendant's failure to respond (Rule 55(a)), followed by judgment (Rule 55(b)).

B. Emergency Injunctive Relief Should Be Granted in Full

Plaintiff's Emergency Motion is both legally sound and factually supported by attached evidence. No opposition has been filed. The record demonstrates irreparable and ongoing harm to constitutional rights, and Plaintiff respectfully requests that the Court grant the requested relief immediately and in full.

Under well-established federal law, a preliminary injunction requires the Plaintiff to establish:

1. A likelihood of success on the merits, which is supported here by Defendants' default and failure to contest any of the allegations combined with the Plaintiff's well supported complaint, motions and briefs.;
2. A likelihood of irreparable harm in the absence of relief, as documented in attached Exhibits and Plaintiff's supporting brief, including risk of homelessness, eviction, hunger, and harm to medically vulnerable to himself and other individuals;
3. That the balance of equities favors Plaintiff, who faces life-altering deprivation, while Defendants face only the administrative burden of compliance with their legal duties;
4. That the public interest strongly supports granting relief, as the matter involves fundamental access to essential services, constitutional due process, and governmental accountability.

III. Systemic Harm Justifies Immediate Judicial Action

This case does not involve a singular, isolated denial of benefits. As required for *ex parte* emergency relief, the supporting exhibit and legal brief filed by Plaintiff demonstrate a **systemic failure** that affects hundreds, potentially thousands, of similarly situated individuals.

While Plaintiff does not formally represent other claimants in a legal capacity, the scope and scale of the documented harm satisfies the requirement for *ex parte* relief: that the injustice is not limited to one party but is widespread, unredressed, and actively escalating. The current failures of the Defendant agency place lives at risk through evictions, utility shutoffs, hunger, homelessness, mental health breakdowns, and potentially death — especially among the elderly, disabled, and medically fragile. Each day of delay results in further irreparable harm. This is not merely a matter of administrative oversight. It is a profound and ongoing constitutional crisis.

Plaintiff respectfully requests that the Court direct the Clerk to enter default pursuant to Rule 55(a) based on Defendants' failure to plead or otherwise defend after being properly served and in violation of this Court's March 7, 2025 order. To the extent this filing is construed as a combined motion under Rule 55, Plaintiff requests both the Clerk's entry of default and the Court's entry of default judgment under Rule 55(b), given the urgent nature of the constitutional violations presented and Defendants' lack of engagement, judicial action may be warranted.

While Plaintiff remains fully capable and committed to prosecuting this matter *pro se*, the complexity of the constitutional issues, the scale of systemic harm, and the practical challenges of litigating against a state agency and multiple high-ranking officials present significant barriers to ensuring full and fair adjudication. The interests of justice would be better served by court-appointed counsel, as permitted under 28 U.S.C. § 1915(e)(1), particularly where the outcome of this case may impact hundreds or thousands of similarly situated individuals.

Plaintiff lacks the financial resources, procedural access, and institutional support required to conduct depositions of government officials, compel document production, or navigate pretrial discovery involving administrative processes and internal policies. These are functions typically

reserved for experienced attorneys, and without such support, essential evidence and testimony may remain inaccessible.

Federal courts have recognized that appointment of counsel may be appropriate in civil cases involving systemic constitutional claims or exceptional public interest. Plaintiff respectfully requests that, should the Court determine that formal representation would promote judicial efficiency or assist in resolution of these broader public harms, court-appointed counsel be assigned to assist or advise in this matter. This would not only ease the burden on Plaintiff in navigating complex legal procedures, but would also streamline the process for the Court by reducing ambiguity, minimizing procedural errors, and eliminating the need for the Court to interpret, correct, or compensate for the limitations of a self-represented litigant.

Request for Hearing

Plaintiff respectfully requests that the Court set a prompt hearing date to address this motion, clarify any procedural requirements, and consider enforcement mechanisms—including potential sanctions—should Defendants continue to remain noncompliant. A hearing would allow the Court to evaluate the seriousness of the ongoing harm, determine the next steps in light of Defendants' default, and set appropriate deadlines or consequences for continued inaction.

IV. Request for Relief

Plaintiff respectfully requests that this Court:

1. Schedule a hearing to consider enforcement of this Court's order, discuss appropriate next steps, and provide Defendants with an opportunity to appear before sanctions.
2. Direct the Clerk to enter default against all named Defendants under Rule 55(a);

3. Enter Default Judgment against all Defendants pursuant to Fed. R. Civ. P. 55(b);
4. Grant Plaintiff's Emergency Motion for Injunctive Relief in full as unopposed;
5. Issue an Order to Show Cause as to why each named Defendant should not be held in civil contempt for violating a direct court order;
6. Set an enforceable compliance deadline, such as seven (7) calendar days from the date of this order, for Defendants to restore claimant access, initiate communication channels, and submit a sworn declaration of remediation;
7. Assign a court-appointed counsel to assist or advise in this matter.
8. Appoint a Special Master under Fed. R. Civ. P. 53 to monitor ongoing implementation and compliance and report to the Court as needed;
9. Issue Penalties and Sanctions Where and When Appropriate:
 - Impose escalating fines per day per individual Defendant to the amount the courts feel just if agency sanctions fail after 7 days, following a hearing;
 - Retain discretion to increase sanctions or impose other coercive measures if noncompliance persists, ensuring enforcement aligns with the harm's severity.
10. Any and all further relief the Court deems just and appropriate in light of the severity of the ongoing constitutional harm.

Respectfully submitted,

Date: 03-25-2025 | ☐ Petitioner/Plaintiff

Joshua Abrams, Pro Se