

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, JOE BARELA JEFF FITZGERALD Etc.	FILED UNITED STATES DISTRICT COURT DENVER, COLORADO <i>8:04 am, May 02, 2025</i> JEFFREY P. COLWELL, CLERK ▲ COURT USE ONLY ▲
Joshua Abrams, Pro Se abramslive@gmail.com 720-910-4829 1881 E 112th Pl, Northglenn Colorado 80233	Case Number: 1:24-cv-03390-RMR Division: Courtroom
Plaintiff's Motion for Time Extension, Electronic Service, Appointing Council, & Denial of Pending Dismissal	

Plaintiff Joshua Abrams, appearing pro se, disabled, and indigent, respectfully moves this Court for an extension of time to file his response to Defendants' Motion to Dismiss. Plaintiff further respectfully requests that the Court authorize all future filings, notices, and communications from the Court, the Clerk of Court, and Defendants' counsel to be served upon him via email at abramslive@gmail.com, in addition to standard U.S. Mail service, to prevent further undue procedural disadvantage and ensure meaningful participation in this matter.

The procedural disadvantages caused by Plaintiff's lack of electronic access and reliance on U.S. Mail have already manifested in tangible injustice on the record.

On April 10, 2025, Plaintiff submitted an objection to Defendants' Motion for Extension, unaware that the Court had already ruled on April 7, 2025, because Plaintiff did not physically receive the Court's order by mail until after filing. This delay caused Plaintiff to make arguments rendered moot by the undisclosed ruling, through no fault of his own.

Unlike Defendants, who receive same-day electronic notice through CM/ECF, Plaintiff remains forced to rely on delayed postal service, undermining his ability to meaningfully participate in the proceedings, respond timely to Court rulings, and avoid procedural confusion.

These structural disparities have already materially impaired Plaintiff's ability to litigate effectively and continue to do so with each critical filing delayed or missed. To preserve basic fairness and due process, Plaintiff respectfully requests the Court authorize electronic service.

While Plaintiff was able to submit a Reply Brief to Defendants' Response to the Emergency Motion for Injunctive Relief today, this was only accomplished through extraordinary unsustainable personal effort and expense under circumstances radically different from those faced by Defendants. Plaintiff operates entirely without legal counsel, assistants, clerical staff, or access to internal case management systems. He must manage all aspects of litigation—including research, drafting, service, and compliance—while simultaneously struggling to secure basic survival needs, including housing and food, amid severe financial and personal hardship. These burdens were compounded this week by a bout of food poisoning and urgent medical issues involving Plaintiff's service animal, requiring immediate attention.

The imbalance between the parties' resources, combined with the logistical disadvantages imposed by lack of electronic filing access, justifies modest additional time to ensure a full and fair opportunity to address the significant constitutional and statutory issues raised.

Request for Additional Time to respond to motion to dismiss

Plaintiff's benefits are scheduled to expire within the next four weeks, and Plaintiff currently faces the imminent risk of housing instability, without pending job interviews or secured

employment. Plaintiff's indigency status has already been judicially recognized, and the demands placed upon Plaintiff to litigate complex constitutional and statutory claims under strict procedural timelines — the same timelines afforded to represented parties with substantial institutional support — create an unequal and unjust burden.

The 14-day response window for multiple complex matters, under conditions of delayed physical service, places Plaintiff in an impossible position. Plaintiff respectfully submits that it is not feasible, nor in the interests of justice, to expect a pro se indigent party to litigate on the same schedule and standard as government counsel with full digital access, research resources, and staff support.

In addition to preparing a more detailed constitutional reply regarding the systemic failures outlined in the Emergency Motion, Plaintiff must now also address newly discovered statutory and constitutional violations regarding the mishandling of claimant data, systemic privacy violations, and improper outsourcing of sensitive personal information. These matters require careful legal research, drafting, and likely consultation with available legal clinics or public interest resources, all of which takes time given Plaintiff's resource constraints.

Given these extraordinary circumstances, Plaintiff respectfully requests an extension of 21 days, or such time as the Court deems reasonable, to prepare a thorough and complete response addressing both the pending motions and any supplemental filings that may be necessary in light of the newly discovered violations.

Request for Authorization of Email Service to Ensure Equal Access

Plaintiff respectfully requests that this Court authorize all parties, including Defendants' counsel and the Clerk of Court, to serve Plaintiff by email in addition to U.S. Mail. Plaintiff consents to electronic service at abramslive@gmail.com.

At present, Defendants' counsel receives immediate access to all filings through the ECF system, while Plaintiff, a pro se litigant without PACER privileges, must rely on delayed U.S. Mail.

Plaintiff has previously PACER experience and has no interest in pursuing it due to persistent billing errors, delayed notifications, and technical obstacles experienced in other proceedings, which further undermine timely access to critical filings and require clerical and external remedy while also agreeing to procedures that undermine my rights. This disparity materially impacts Plaintiff's ability to respond within procedural deadlines, effectively denying the equal access to the courts guaranteed by the Due Process Clause of the Fourteenth Amendment.

Federal Rule of Civil Procedure 5(b)(2)(E) authorizes electronic service with consent, and this Court retains inherent discretion to ensure fairness in pro se proceedings. Authorizing email service would remedy the avoidable prejudice caused by delayed paper delivery, promote judicial efficiency, and uphold the principles of fundamental fairness.

Plaintiff respectfully requests that this Court enter an Order authorizing electronic service to and from Plaintiff at abramslive@gmail.com, effective immediately.

Request for Clarification and Renewed Request for Appointment of Counsel

Plaintiff further respectfully renews his request that the Court consider appointing counsel under 28 U.S.C. § 1915(e)(1).

The complexity, magnitude, and urgency of the issues raised—including alleged ongoing violations of the First, Fourth, Fifth, Sixth, Ninth, and Fourteenth Amendments; Title II of the Americans with Disabilities Act; the Social Security Act; the Privacy Act of 1974; and the Federal Information Security Modernization Act—necessitate the assistance of appointed counsel. Plaintiff, proceeding pro se and indigent, is unable to meaningfully navigate these overlapping constitutional, statutory, and systemic challenges without assistance, particularly as new evidence has revealed additional, widespread federal privacy violations affecting millions of current and former unemployment claimants in Colorado.

Appointment of counsel would serve the interests of justice, safeguard constitutional rights at stake, and aid in the efficient management of this increasingly complex matter, especially as new dimensions of irreparable harm—such as identity theft risks, unlawful data sharing, and deprivation of critical subsistence benefits—have now been substantiated.

Additionally, Plaintiff respectfully requests clarification from the Court as to whether the newly identified federal statutory privacy and data governance violations should be raised through a supplemental memorandum supporting injunctive relief or whether Plaintiff should seek leave to file an amended complaint. Plaintiff stands ready to proceed in the manner the Court deems most appropriate to avoid unnecessary duplication or confusion in the record.

Statement on recent Privacy and Data Revelations:

Plaintiff respectfully notifies the Court that recent independent research and review this week uncovered newly materialized constitutional and statutory violations involving data privacy, security, and the mishandling of personally identifiable information (PII) by Defendants. These serious violations were not originally known or pled at the time of filing the initial Complaint or

Emergency Motion, but have since become undeniable based on public records, budget hearings, and Defendants' own admissions.

The revelations include significant issues implicating the Privacy Act of 1974 (5 U.S.C. § 552a), Colorado state data privacy laws (C.R.S. §§ 6-1-713 to 713.5), HIPAA protections (where medical or disability-related data is collected), and CUI (Controlled Unclassified Information) handling standards. These issues are severe, directly harm Plaintiff and thousands of other claimants, and are closely intertwined with the systemic due process and ADA violations.

Given the gravity of these additional constitutional breaches, Plaintiff respectfully requests the Court's guidance as to whether these facts should be addressed through an amended complaint, a supplemental filing, or another procedural method the Court deems appropriate. Plaintiff seeks to comply fully with the Court's preferred structure while avoiding unnecessary delay.

Deny Defendant's Motion to Dismiss without further delay or engagement

Plaintiff respectfully requests that this Court take judicial notice of the Reply Brief to Defendants' Response to the Emergency Motion for Injunctive Relief, submitted contemporaneously on May 1, 2025. The Reply Brief directly addresses and rebuts the core arguments raised by Defendants in both their Response and Motion to Dismiss.

Plaintiff further requests that the Court, in its discretion, weigh the substantial merits established in the concurrently filed Reply Brief—including the demonstrated constitutional violations, systemic administrative failures, and irreparable harms—when considering Defendants' pending Motion to Dismiss, even without having read it, as it likely relies on the same deficient diversionary tactics. Further interpretation is unnecessary given the substantive and detailed nature of the Reply Brief to the Emergency

Injunction, which irrevocably proves that the case is likely to succeed and is not properly subject to early dismissal based on arguments that do not reflect the record or practices.

Given the clear factual and legal deficiencies in Defendants' dismissal arguments, Plaintiff respectfully submits that the Motion to Dismiss should be denied without further delay, and that this case should proceed directly to discovery and, if appropriate, Continuing to entertain legally and factually deficient defenses and requiring of exhaustive time and resources to do so only serves to prolong ongoing constitutional harms and imposes unnecessary burdens on judicial resources and the Plaintiff alike.

The record now before the Court, supplemented by the May 1, 2025 Reply Brief and supporting exhibits, provides overwhelming factual and legal support warranting the denial of dismissal and the advancement of this matter toward a prompt resolution on the merits. Plaintiff respectfully submits that further procedural delays or piecemeal litigation would only perpetuate the ongoing constitutional harms already well-documented.

Relief Requested:

1. Grant Plaintiff a 21-day extension of time to submit all pending replies, supplemental memoranda, and/or any amended pleadings necessary to address the expanded constitutional and statutory issues uncovered to approximately May 26th.
2. Plaintiff further respectfully requests that the Court reaffirm or clarify the status of Plaintiff's previously filed requests, including the Motion titled "*Plaintiff's Motion for Default, Injunctive Relief, Enforcement, Sanctions, and Hearing*," filed in March 2025. In that Motion, Plaintiff formally requested the appointment of counsel under 28 U.S.C. § 1915(e)(1) to assist in addressing the systemic constitutional violations presented. While

portions of that earlier motion may now be procedurally moot or overtaken by subsequent developments, Plaintiff asks the Court to confirm that the request for appointment of counsel remains pending and under consideration.

3. Direct that all future service of orders, filings, and communications upon Plaintiff be permitted electronically by email, in order to prevent further procedural disadvantage caused by delayed U.S. Mail delivery and ensure equal access to the Court.
4. Clarify whether Plaintiff should seek leave to amend the Complaint, file a supplemental memorandum, or proceed through another method to properly address the newly discovered systemic privacy and data security violations, including breaches of the Privacy Act of 1974 (5 U.S.C. § 552a), Colorado Privacy Act (C.R.S. § 6-1-713), HIPAA, and related federal data protection standards.
5. Deny the pending motion to dismiss as premature and legally deficient without requiring further engagement by the Plaintiff(making further extension for time not necessary) to move case forward to discovery stage.

Respectfully submitted,

Joshua Abrams

Date: 05-01-2025 | ☐ Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE

I certify that on 05-01-2025 a true and accurate copy of the Defendant was served on the other party by:
X_E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov

Joshua Abrams

☐ Petitioner/Plaintiff