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** *11:15 am, Jul 02, 2025* **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 NOTICE AND REQUEST FOR EMERGENCY STATUS CONFERENCE	

Plaintiff Joshua Abrams respectfully submits this urgent notice and formal request for an immediate status conference in the above-captioned matter. This request is submitted pursuant to the Court's inherent authority to manage its docket and ensure the fair and efficient administration of justice.

Despite the filing of multiple time-sensitive motions including two emergency motions for injunctive relief as well as Plaintiff's pending motions for extension of time and supplemental evidentiary filings, the Court has yet to take any substantive action or hold any hearing in this matter. The only docket activity reflecting any judicial discretion thus far is the same-day approval of an extension request filed by the Defendant, while Plaintiff's motions, including one pending for over two months, remain unaddressed.

This lack of balance in judicial response reflects a disturbing pattern of preferential treatment and unequal access, raising serious concerns under the Fifth and Fourteenth Amendments. Plaintiff is a pro se, disabled, and indigent litigant, whose filings have been time-stamped and served properly and well in advance of the Defendant's. Yet Plaintiff has received no rulings, no hearing, and no substantive consideration from this Court.

In the time since the last motion was filed, Plaintiff's circumstances have worsened dramatically:

- Plaintiff has no income of any kind and no remaining unemployment benefits;
- Plaintiff's fee waiver was approved based on indigency in January 2025, and his condition has since deteriorated into life-threatening poverty;
- On July 1, 2025, Plaintiff received a 21-day notice to vacate and now faces imminent eviction;
- Eviction would result in irreparable harm, including permanent housing discrimination and loss of future rental opportunities which is especially devastating for a disabled individual with a service animal;
- These harms are directly tied to Defendants' unlawful denial of backpay and failure to provide appealable processes, which the Court has yet to adjudicate despite the fully briefed record.

Unequal Access in Protecting Unconstitutional Practices

Defendant(s) are being sued in their official capacity as a high-ranking representative of the Colorado Department of Labor and Employment (CDLE), a state agency. Plaintiff has navigated the Ex parte Young exception precisely and appropriately, seeking prospective injunctive relief to compel compliance with federal law and constitutional protections not retroactive damages barred by Eleventh Amendment immunity. The claims at issue involve active, ongoing constitutional violations, including denial of due process, systemic ADA noncompliance, and the obstruction of meaningful access to unemployment benefits owed to Plaintiff and countless others under federal and state law.

And yet, the State of Colorado rather than acknowledging these violations and working toward meaningful resolution has instead opted to spend public funds defending those violations. The Attorney General's Office now represents the Defendant under claims of qualified and sovereign immunity and the supposed failure of Plaintiff to exhaust administrative remedies, all while refusing Plaintiff's repeated requests for the appointment of counsel. Despite Plaintiff's indigency, disability, and demonstrated procedural diligence, he is given no access to state-funded legal resources and no voice in the courtroom.

This is the embodiment of constitutional hypocrisy: a system that uses state money to defend unconstitutional behavior, to protect those in power from accountability, and to preserve broken policies while refusing to spend even one cent to help the harmed, indigent Plaintiff who seeks only to restore lawful, fair, and just administration. Plaintiff has not received a single dollar of state support in pursuing these claims. Instead, he has been met with institutional silence, procedural neglect, and the weaponization of delay.

This dual-track system where the state pays itself to perpetuate harm but refuses to assist those seeking to stop it undermines the very principles of equal protection, access to justice, and constitutional accountability. It is not only unjust, but structurally unsustainable. This Court must recognize that the Plaintiff is not simply requesting relief for personal harm, but raising alarms about a systemic breach of public trust, and doing so with none of the institutional power or resources the Defendant enjoys in abundance.

New Evidence of CDLE March 2025 Audit

Plaintiff notifies the Court of newly discovered material facts, unknown to Plaintiff at the time of filing, which now dramatically amplify and substantiate the claims before this Court. In March 2025, a comprehensive audit conducted by the Colorado Office of the State Auditor revealed systemic mismanagement, material weaknesses, and reckless misuse of public unemployment insurance (UI) funds by the Colorado Department of Labor and Employment (CDLE). Specifically, the audit found that CDLE failed to track over $127 million owed to employers, miscalculated employer premiums for more than 30,000 businesses, and engaged in unauthorized spending on flawed system modernization efforts.

More disturbingly, Plaintiff has recently discovered credible evidence of a widespread coercive scheme by CDLE call center staff to funnel claimants into using the U.S. Bank ReliaCard under duress. Plaintiff personally experienced and recorded such coercion in February and March of 2025 the Plaintiff is happy to submit this audio record and will be co-filing complaints with appropriate law enforcement, where staff threatened that claims would be delayed or outright denied if Plaintiff refused to enroll in the ReliaCard system. Claimants were not properly informed of their right to receive payments by direct deposit or check and outright lied to the Plaintiff about Plaintiff's bank 'rejecting' their deposits which was later proven unlawful and false when Plaintiff did start receiving benefits into that same bank which this call center lied about it not being accepted or viable to receive benefits, and were instead pressured into the ReliaCard option, which is known to carry excessive fees, delays, and limited customer service access. These practices suggest unlawful profiteering by CDLE or its agents, either through financial kickbacks, improper incentives, or abusive third-party contracting. This directly implicates potential violations of federal anti-corruption statutes (e.g., 18 U.S.C. § 666, relating to theft or bribery concerning programs receiving federal funds), as well as the Colorado

Constitution's requirements for good governance and fiduciary duty over public benefit administration.

These newly surfaced facts are not minor; they strike at the core of Plaintiff's original claims of systemic denial of due process, economic coercion, and unequal treatment. They further reinforce Plaintiff's allegations of a concealed or nonexistent appeals process, systemic discrimination against disabled and indigent claimants, and irreparable harm resulting from CDLE's refusal to timely and lawfully process Plaintiff's UI claim and backpay. The audit findings also expose that the same UI infrastructure that harmed Plaintiff was widely dysfunctional, not merely in Plaintiff's isolated case, but across thousands of accounts statewide.

Plaintiff had no prior knowledge of these findings or legal precedents affirming the right of claimants to refuse predatory payment methods or be free from coercion in the disbursement of federally protected benefits. This new evidence not only supports Plaintiff's request for emergency injunctive relief, but also justifies a broader legal inquiry into CDLE's contracting practices, communication systems, and benefit disbursement policies under federal constitutional standards, including the Fifth and Fourteenth Amendments, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act.

Newly Discovered Legal Precedent/ Associated Case

Plaintiff only recently became aware of a materially relevant federal case, *Paulie Keener v. Jared Polis and Joe Barela* (U.S. District Court for the District of Colorado, filed February 2021 and amended May 2021), which further evidences a longstanding and troubling pattern of unconstitutional conduct by the same defendants named in this case. In *Keener*, a pro se plaintiff alleged that the Colorado Department of Labor and Employment (CDLE), under the direction of

Defendant Joe Barela, unlawfully withheld unemployment benefits based on an incorrect overpayment flag and failed to provide proper notice or due process. The case asserted violations of the Fourteenth Amendment's Equal Protection Clause, and while no published ruling confirms a final judgment, the CDLE ultimately waived the debt, suggesting merit to the claims. Importantly, this prior litigation names the same defendant and reflects strikingly similar allegations of arbitrary benefit determinations, lack of adequate procedural protections, and systemic disregard for constitutional rights. Plaintiff had no knowledge of this case or its allegations when filing the instant action, and its existence now significantly strengthens Plaintiff's position by demonstrating that Defendant Barela has previously been accused of materially similar constitutional violations under color of state law. This further supports the need for immediate judicial scrutiny, injunctive relief, and a systemic review of the CDLE's conduct under 42 U.S.C. § 1983.

Legal Authority & Arguments

Plaintiff's request for an emergency status conference is grounded in well-established constitutional principles and controlling precedent. Under the Fifth and Fourteenth Amendments, due process requires notice and meaningful opportunity to be heard before deprivation of property interests such as unemployment benefits. In Goldberg v. Kelly, 397 U.S. 254 (1970), and Mathews v. Eldridge, 424 U.S. 319 (1976), the Court held that public benefits cannot be terminated without proper procedures and individualized review. Plaintiff alleges that CDLE's concealment of appeal rights and coercive benefit delivery through third-party schemes (e.g., ReliaCard) violated these protections.

Further, Board of Regents v. Roth, 408 U.S. 564 (1972), and Mullane v. Central Hanover Bank, 339 U.S. 306 (1950), affirm that when a person has a legitimate claim of entitlement to benefits, due process demands clear notice and accessible redress. Plaintiff's allegations show not only denial of those safeguards but ongoing harm from the absence of any functioning appeal or corrective system.

The threat of irreparable harm including eviction, medical neglect, and long-term damage to Plaintiff's housing record supports immediate relief. As held in Winter v. NRDC, 555 U.S. 7 (2008), and Elrod v. Burns, 427 U.S. 347 (1976), courts may issue emergency relief when constitutional rights are at stake and delay will cause harm that cannot later be undone.

This harm is compounded by judicial inaction and disparate treatment. The Court's same-day approval of Defendant's motion for extension while leaving Plaintiff's multiple motions including for counsel, time extension, and injunctive relief unaddressed for months raises concerns under Boddie v. Connecticut, 401 U.S. 371 (1971), and Bounds v. Smith, 430 U.S. 817 (1977), both of which emphasize that indigent litigants must be afforded meaningful access to courts, particularly when facing fundamental deprivation.

Plaintiff, as a disabled and pro se individual, is entitled to special consideration under Haines v. Kerner, 404 U.S. 519 (1972), and Faretta v. California, 422 U.S. 806 (1975), which instruct courts to construe pro se filings liberally and ensure fairness in light of a litigant's lack of legal training.

Plaintiff's claims for injunctive relief fall squarely within the scope of Ex parte Young, 209 U.S. 123 (1908), which authorizes prospective relief against state officials for ongoing constitutional violations, and is further supported by Edelman v. Jordan, 415 U.S. 651 (1974).

Finally, the recent 2025 Colorado State Audit and Plaintiff's evidence of coercive third-party benefit disbursement raise concerns under 18 U.S.C. § 666, a federal anti-corruption statute barring theft or bribery in federally funded programs. These findings reinforce the systemic nature of the misconduct alleged, as echoed in prior litigation such as *Keener v. Polis and Barela* (D. Colo. 2021).

Together, these authorities affirm Plaintiff's right to immediate judicial consideration and underscore the constitutional and humanitarian urgency of this case.

Prayer for Relief:

Plaintiff therefore respectfully demands that the Court schedule an immediate status conference to address the critical and time-sensitive developments in this case. The need for this conference is not procedural; it is urgent, life-threatening, and necessary to preserve Plaintiff's constitutional rights and physical survival.

1. Pursuant to Federal Rule of Civil Procedure 16(a) and D. Colo. L. Civ. R. 16.1, Plaintiff respectfully moves this Court for an immediate status conference to address urgent, unresolved matters in this case. These include pending emergency injunctions, Plaintiff's request for appointment of counsel, and imminent irreparable harm due to the ongoing denial of unemployment benefits and a formal 21-day notice to vacate. Under Rule 16(a), the Court is expressly authorized to convene a pretrial conference to, among other things, expedite disposition of the action, improve the quality of case management, and facilitate resolution of critical pretrial issues. Given the gravity and time sensitivity of the issues raised herein, a prompt conference is both procedurally proper and constitutionally necessary.

2. To evaluate newly discovered systemic and factual developments that materially impact Plaintiff's claims: Since the last filing, a 2025 Colorado State Audit has revealed widespread mismanagement, fraud vulnerability, untracked federal UI funds, and reckless administration of benefit systems under Defendant Barela's supervision. Plaintiff has also uncovered prior litigation (*Keener v. Polis and Barela*) involving materially similar claims of constitutional harm arising from CDLE's benefit processing failures. These facts were unknown to Plaintiff at the time of filing and demonstrate that Plaintiff's claims are not isolated but symptomatic of systemic, long-standing constitutional deficiencies within CDLE.
3. The potential violations of **18 U.S.C. § 666** which prohibits theft, bribery, or kickback schemes in federally funded programs further underscore the need for **injunctive relief** to immediately halt CDLE's coercive benefit distribution practices. These practices, which include pressure tactics by staff to force claimants into using third-party ReliaCard systems under threat of denial or delay of benefits, raise serious constitutional and statutory concerns. Such misconduct, if proven, falls squarely within the **Ex parte Young** framework permitting prospective relief against state officials engaged in ongoing unlawful conduct.
4. In support of these allegations, Plaintiff has preserved a **recorded phone conversation** in which CDLE staff make statements consistent with coercion and systemic abuse. This **audio recording will be produced as *Exhibit B*** and can be filed with the Court upon request or formally authenticated at the requested status conference. This evidence further substantiates the need for judicial intervention and a broader inquiry into CDLE's benefit administration practices.

5. **To prevent imminent, irreparable, and life-altering harm due to judicial inaction and unequal treatment**: On July 1, 2025, Plaintiff was served with a formal 21-day notice to vacate his home. Without immediate judicial intervention, Plaintiff faces **imminent eviction**, permanent damage to his housing record, and compounding trauma that stems directly from the government's unlawful withholding of unemployment compensation and now, from this Court's failure to act on Plaintiff's emergency motions. If the Court does not intervene in the coming days, it will not merely be a delay; it will constitute an active failure to prevent the exact irreparable harm Plaintiff has warned of for months. The gravity of this moment cannot be overstated. Plaintiff's life, shelter, medical access, and dignity are now at immediate risk, and the constitutional violations that caused this emergency remain unremedied because no hearing has been held and no action has been taken by the judiciary.

Conclusion

While the constitutional and life-threatening harms Plaintiff has personally suffered are undeniable and well-documented, they do not exist in isolation. In prior emergency motions and injunction filings, Plaintiff provided unrebutted factual assertions, supported by local investigative journalism, public reports, and declarations from impacted individuals, demonstrating that these same patterns of misconduct and procedural failure by the Colorado Department of Labor and Employment have affected hundreds, if not thousands, of other Colorado residents. These individuals, many indigent, disabled, or otherwise marginalized, have faced eviction, medical crisis, death, or complete financial collapse, not as a result of market forces or personal failure, but as a direct consequence of systemic dysfunction and constitutional dereliction. The state's failure to administer benefits properly, lawfully, or with meaningful due process has stripped many of the financial protections and economic security explicitly promised by Congress through federal unemployment insurance mandates, which Colorado is bound to follow as a recipient of those federal funds.

Plaintiff's suffering alone would be sufficient to warrant judicial action yet this case also serves as a symbolic and legal stand-in for the countless voiceless individuals who have been defeated, dehumanized, or permanently harmed by the same government actors and the same failures. Some are no longer alive to tell their stories. Others remain homeless, hospitalized, or completely cut off from any path to recovery. Plaintiff therefore urges this Court not only to acknowledge the grave personal urgency of his claims, but also to recognize the broader constitutional emergency that has gone unaddressed for far too long. The law, if it is to mean anything, must protect the vulnerable from systemic state abuse not enable or shield it under procedural silence. This moment demands action, integrity, and judicial courage to confront the scale and depth of constitutional failure now before the Court. This is not a procedural formality; it is a final opportunity for the Court to fulfill its constitutional role as protector of rights, arbiter of justice, and guardian against irreparable harm. Plaintiff demands this status conference not only as a matter of fairness and function but as a matter of survival.

LASTLY The extraordinary length, complexity, and procedural convolution of this motion and of Plaintiff's filings generally is a direct reflection of this Court's failure to grant Plaintiff's timely and well-founded request for appointment of counsel. Plaintiff, a disabled and indigent litigant, explicitly sought legal assistance not for personal gain but to ensure this case could be properly articulated, documented, and advanced in the public interest. Instead, the Court has chosen to delay action and deprioritize this matter while affording immediate relief to state defendants, forcing Plaintiff to navigate this multi-layered constitutional litigation alone and under duress. If any portion of this filing contains formatting errors, procedural deficiencies, or technical missteps, they are not due to bad faith or lack of diligence; they are the foreseeable and avoidable consequence of this Court's failure to appoint counsel under applicable constitutional and equitable standards. As established in Haines v. Kerner, 404 U.S. 519 (1972), pro se litigants are entitled to liberal construction of their pleadings, and this principle must be honored where the denial of assistance has directly compounded the complexity and urgency of the claims presented.

Attached hereto as *Exhibit A* is a copy of the formal 21-day Notice to Vacate served on Plaintiff, which underscores the legitimacy, urgency, and life-threatening nature of the harm now unfolding. This is not a speculative threat or newly emerged concern Plaintiff began raising the alarm about these issues and requesting judicial intervention as early as December 2024. The consequences now facing Plaintiff, including potential eviction, homelessness, and permanent damage to his housing record, are the direct and foreseeable result of this Court's continued failure to act on Plaintiff's emergency motions and constitutional claims.

As a vulnerable, disabled, indigent, and self-represented litigant, Plaintiff is afforded the full protection of due process under the Fifth and Fourteenth Amendments. The attached notice demonstrates in no uncertain terms that irreparable harm is not theoretical, it is imminent. It threatens Plaintiff's physical health, his service animal's welfare, and his fundamental right to shelter and access to justice. Judicial inaction at this stage would not be a neutral delay but a tacit endorsement of the systemic deprivation Plaintiff has endured.

Plaintiff prays that the Court act immediately to schedule a status conference and restore the integrity and accessibility of these proceedings in accordance with law and equity.

Respectfully submitted,

Joshua Abrams

Date: 07-02-2025 | ❑Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE

I certify that on 07-02-2025 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

Exhibit A

21-DAY NOTICE TO VACATE

Date: July 01, 2025

To: Joshua Abrams

From: Shukur Foster

Property: Basement Room – 1881 E 112th Place, Northglenn, CO 80233

Dear Joshua,

This letter serves as formal notice that your occupancy of the basement room at the above address must conclude no later than July 22, 2025. Your fixed-term lease ended on July 1, 2025, and no new lease was executed or agreed upon by either party. As such, I am providing this 21-day written notice for you to vacate the premises.

This notice is issued in good faith, in accordance with applicable Colorado law, and is not retaliatory or discriminatory in nature. It is based solely on the conclusion of the prior lease agreement and the absence of a renewal.

I have made multiple good-faith offers to provide assistance, including financial support and flexibility in your timeline. While we were not able to reach a mutual agreement, I want to acknowledge your tenancy and wish you success in your future endeavors.

Please ensure that the premises are left in good, clean condition and that all personal belongings are removed. Return any house keys or other property belonging to me no later than July 22, 2025. Your security deposit will be returned within the timeline set by Colorado law, subject to deductions for damage, cleaning, or unpaid rent as applicable.

Again, this decision is not based on any personal characteristic, medical condition, or request made during your tenancy. I appreciate your cooperation as we bring this tenancy to a respectful and professional close.

Sincerely,
Shukur Foster
Phone: (805) 806-2240
Email: shukur.fitness@yahoo.com