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	**FILED** **UNITED STATES DISTRICT COURT** **DENVER, COLORADO** *8:27 am, Sep 22, 2025* **JEFFREY P. COLWELL, CLERK** ▲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 Motion to Amend Judgement	

Plaintiff moves under Federal Rule of Civil Procedure 59(e) to vacate the Court's September 2, 2025 judgment, which rests on clear legal errors and inflicts manifest injustice. The judgment misapplies abstention and exhaustion doctrines, disregards controlling Supreme Court precedent in Williams v. Reed, 2025, which bars deferral to deficient state unemployment-insurance remedies, moots pending motions without merits review, misconstrues relief as sovereign-immunity barred, and dismisses curable ADA/§504 claims. Plaintiff withdraws punitive and inapplicable monetary claims, seeking only prospective injunctive and declaratory relief, with §504 economic damages limited to deliberate indifference. The co-filed Second Amended Complaint and Amended Emergency Injunction cure all named defects. Vacatur, amendment, and reinstatement of preliminary-injunction proceedings are required to address ongoing constitutional harms.

I. Legal Standard

Rule 59(e) authorizes altering or amending a judgment to correct clear legal error, prevent manifest injustice, or address new evidence or intervening law. (Phelps v. Hamilton,1997). Clear error includes misapprehension of controlling law or facts, specifically Williams v. Reed 2025. Manifest injustice occurs when a pro se litigant is denied a meaningful opportunity to cure pleading deficiencies or present evidence, (Servants of Paraclete v. Does 2000), or when dismissal even without prejudice perpetuates systemic constitutional violations by deferring to state processes that lack jurisdiction or capacity to remedy federal claims, (Williams v. Reed 2025). Rule 15(a)(2) mandates freely granting leave to amend absent futility, with heightened deference for pro se plaintiffs. (Hall v. Bellmon 1991). The Court's misapplication of abstention, premature mooting of pending motions, and deferral to a constitutionally deficient state system demand vacatur to prevent ongoing harm.

II. Controlling Supreme Court Precedent Makes Abstention and Exhaustion Inapplicable

A. Williams v. Reed (2025) Mandates Federal Jurisdiction.

In Williams v. Reed, 2025, the Supreme Court held as a now clearly established that states cannot shield systemic due-process violations in unemployment-insurance (UI) administration from federal review by constructing procedural barriers that deny claimants a meaningful opportunity to contest core disputes, such as underpayments or delays. Where agency notices fail to address the actual issues for appeal, no "ongoing state proceeding" exists under Younger v. Harris 1971, and federal jurisdiction is proper. Williams unequivocally rejects state schemes that obstruct or delay federal accountability.

B. Colorado's System Embodies the Williams Constitutional Defect

Colorado's unemployment-insurance (UI) system exemplifies the unconstitutional paradigm condemned in Williams v. Reed, 2025: it systematically withholds meaningful process and then demands judicial deference to that deficient process to evade federal scrutiny. The record establishes: (1) no actionable notice or appealable decision in 2023 addressing underpayment or misapplied cross-state wages; (2) no notice or opportunity to cure a clearly retaliatory "integrity hold" imposed that year, falsely premised on Plaintiff's noncompliance later causing harm and delay in Plaintiff's 2025 claim; (3) misdirection of appeals into irrelevant channels (e.g., "withdrawal reconsiderations" incapable of resolving underpayments), followed by rejections as "misdirected" or "untimely" despite absent or defective notices; (4) a March 24, 2023 appeal cancellation blocking Plaintiff's pursuit of relief; and (5) false assurances of payments that deterred engagement with non-existent remedies. The ICAO appeal tested only the withdrawal issue, not the federal defects (no notice on underpayment; integrity-hold barriers). Thus, the "right to appeal" did not provide a meaningful avenue to raise Plaintiff's due-process claims and is illusory under *Williams*' catch-22. The ICAO 'right to appeal' attached only to the **withdrawal** determination , not to the un-noticed underpayment and integrity-hold defects so, under *Williams (2025)*, a pathway that never presents the federal issue is not an 'ongoing state proceeding' and cannot support *Younger* abstention.

C. Abstention and Exhaustion Are Inapplicable

Younger abstention is narrowly confined to exceptional circumstances, none present here. Sprint Commc'ns, Inc. v. Jacobs, 2013. Moreover, Patsy v. Bd. of Regents, 1982, precludes any exhaustion requirement for §1983 claims. By design, Colorado's system denies claimants a viable avenue to raise federal due-process violations, making abstention erroneous and exhaustion irrelevant. The Plaintiff's Second Amended Complaint reframes these as systemic due-process violations, materially depriving claimants of property rights. Deferral to lower courts or state processes is erroneous, as they lack jurisdiction to remedy these federal constitutional defects. Williams renders abstention improper. The Court's contrary ruling constitutes clear legal error. *Younger* abstention does not apply because, as *Williams (2025)* and *Sprint (2013)* make clear, there is no ongoing state proceeding on these facts: the necessary notices never issued, and the supposed state channels were illusory for raising the federal due-process and ADA claims.

D. The Court's Deferral to State Courts Is Clear Error Under Williams

The Court's holding that federal jurisdiction is barred absent appeal to the Colorado Court of Appeals misapprehends controlling law. Williams v. Reed, clarifies that systemic UI due-process claims lacking proper notices or meaningful appeals need not exhaust state remedies, as those processes are constitutionally inadequate. Here, no appealable decision issued on the 2023 underpayment or retaliatory integrity hold, rendering state channels illusory. Deferral to ICAO or the Colorado Court of Appeals cannot remedy federal violations, per Patsy v. Bd. of Regents, 457 U.S. 496, 516 (1982) (no §1983 exhaustion). Moreover, Plaintiff's requested reprocessing—framed as prospective injunctive relief—addresses any backpay through compliance, voiding any notion that state appeals are appropriate. Such deferral would merely shield ongoing injustice, as lower courts lack jurisdiction to enforce federal constitutional remedies and would deplete Plaintiff's limited resources while invoking layered immunities now foreclosed by Williams v. Reed

III. The Court Erred by Mooting Pending Motions Without Merits Adjudication

The Court erred by deeming Plaintiff's motions to amend, supplement the record, object to dismissal, and appoint counsel without merits adjudication, contravening Federal Rule of Civil Procedure 15(a)(2) and Tenth Circuit authority. Pallottino v. City of Rio Rancho, 31 F.3d 1023, 1027 (10th Cir. 1994). These filings cured identified defects by: (1) clarifying prospective relief under Ex parte Young; (2) detailing ADA/§504 violations with deliberate-indifference evidence; and (3) exposing systemic notice failures, misrouted appeals, and retaliatory "integrity" holds. The Court's refusal to consider the motion to amend—which presented new evidence of expanding violations—and its denial of a requested status conference to accommodate Plaintiff's disability further compounded the harm. This procedural shortcut denied Plaintiff, a pro se litigant, a meaningful opportunity to be heard, constituting a due-process violation within this federal proceeding.

B. Pro Se Limitations and Counsel Appointment

As a pro se, disabled, and indigent litigant without access to PACER or resources for formal exhibit compilation, Plaintiff cannot provide exhaustive pin cites or labeled exhibits at this stage—a level of precision unreasonably demanded of unrepresented parties facing systemic barriers. The Court's mooting of Plaintiff's counsel-appointment motion exacerbated this, denying tools to streamline evidence presentation and overburdening both Plaintiff (compelled to litigate alone amid health/financial constraints) and the Court (forced to parse unpolished filings). Appointing counsel would facilitate precise record development while easing judicial review, accelerating merits adjudication, and averting further manifest injustice.

IV. Requested Relief Is Now Prospective and Falls Squarely Within Ex parte Young

Plaintiff acknowledges that certain theories in the initial pleadings required refinement. The Second Amended Complaint cures those defects by eliminating personal-liability damages theories and narrowing relief to prospective, programmatic remedies. Plaintiff seeks no retroactive monetary award from the state treasury. The requested relief is limited to: (1) reprocessing of the 2023 claim with constitutionally adequate notice, a meaningful hearing, and

ADA accommodations; (2) targeted reforms (a viable underpayment route, reasonable appeal windows, non-retaliatory integrity protocols, and secure PII practices); and (3) declaratory relief. This is quintessential Ex parte Young (1908) relief, not barred by Edelman v. Jordan (1974) even if compliance incidentally results in backpay through lawful reprocessing. To the extent damages are pursued, they are confined to §504 economic losses upon proof of deliberate indifference, consistent with sovereign-immunity limits. As clarified, the claims are legally viable and squarely within this Court's jurisdiction.

B. Incidental Backpay Is Permissible; Younger Abstention Is Inapplicable

The Court's characterization of requested relief as retroactive backpay is clear error. Under Ex parte Young, 209 U.S. 123 (1908), prospective reprocessing of the 2023 claim—with due process and ADA accommodations—may incidentally yield backpay as a compliance byproduct, not a barred treasury award (Edelman v. Jordan, 415 U.S. 651, 668 (1974); Milliken v. Bradley, 433 U.S. 267, 289-90 (1977) (incidental costs allowed)). Younger abstention does not apply, as Williams v. Reed, 603 U.S. ___ (2025), confirms no "ongoing state proceeding" exists where notices and appeals are systemically defective. Programmatic reforms remedy ongoing violations without interfering with state duties.

V. ADA/§504 and Due-Process Claims Are Plausibly Pleaded

The Second Amended Complaint plausibly pleads ADA Title II and §504 violations: Plaintiff disclosed a disability, requested accommodations (human-assisted communication over nonfunctional portals), and faced agency directives requiring oral requests without an interactive process or coordinator outreach. Plaintiff disclosed disability in writing in March 2023 and again In June 2023, Plaintiff specifically disclosed his disability to Defendants, which should have triggered an interactive process under the ADA, allowing him to request reasonable accommodations such as human-facilitated callbacks or written agent responses in lieu of nonfunctional web portals. Due to the opaque and obstructive frankly discriminatory nature of CDLE's procedures that chill and block such requests, Plaintiff was unable to submit a direct request via phone; even if he had, Defendants admissions directly claim they refused to process written accommodations, insisting on undocumented and unknown phone requests requirements, a requirement Plaintiff only discovered in this civil action and only after both his 2023 and 2025 claims had been irreparably delayed and wrongfully processed.

Defendants provided no interactive process or ADA-coordinator outreach and instead directed Plaintiff to “call during business hours,” which effectively denied access to accommodations and forced unsafe in-person visits. Defendants have since admitted that accommodations are available only by phone with a live representative—a route that is neither disclosed during calls nor explained on CDLE’s public-facing ADA page—thereby concealing and chilling the accommodation process to prioritize call-center operations over compliance. Given Plaintiff’s autism and ODD, a written, coordinator-managed process was a reasonable accommodation; the absence of such a process materially impaired his ability to participate and to seek redress.

Resulting harms which forced in-person visits out of desperation amid health risks, illness, and lost wages establish discrimination, failure to accommodate, and deliberate indifference. Tennessee v. Lane, 2004. Dismissing these claims even without prejudice without assessing curability, despite curative supplements, was error. Rule 15(a)(2) mandates granting leave to amend, particularly for pro se litigants. Hall v. Bellmon 1991. Under Mathews v. Eldridge 1976, Plaintiff’s substantial interest in timely subsistence benefits, the high risk of erroneous deprivation from defective notices and misrouted appeals, and the minimal burden of requested safeguards (clear notices, functional appeal routes) compel relief. Colorado’s systemic failures violate the Social Security Act's "when due" mandate, 42 U.S.C. § 503(a)(1). The Court's abstention ruling evaded these merits;

VI. Supplemental Evidence and Qualified Immunity Support Merits Review and Discovery

A. Overlooked Evidence Requires Consideration

Plaintiff's supplemental filings, ignored by the Court, include: (1) proof of excluded out-of-state wages without basis; (2) misrouted or canceled appeals, including a March 24, 2023 cancellation; (3) a recorded March 15, 2025 call and transcript evidencing coercive ReliaCard steering and false "incompatible bank" claims contingent processing his claim unless he accepts; and (4) multiple public reports and audit-confirmed systemic mismanagement. These substantiate due-process and ADA/§504 violations and support civil RICO allegations (invoking 18 U.S.C. § 666 as policy evidence, not a private action). Failing to address this evidence was prejudicial error, warranting expedited discovery into vendor contracts, fee structures, and steering incentives.

B. Qualified Immunity Does Not Bar Individual-Capacity Claims

Individual-capacity claims survive, as officials violated clearly established rights to timely notice and meaningful hearings under Williams v. Reed 2025, Goldberg v. Kelly 1970, and Mathews, 424 U.S. at 333. Pleaded facts ,defective notices, misrouted appeals, and retaliatory holds all preclude pleading-stage dismissal. Qualified immunity is inapplicable to official-capacity prospective relief. Ex parte Young 1908. Pleaded facts, as supplemented and cured in the Second Amended Complaint, show Defendants Barela and Fitzgerald's personal involvement in formulating/enforcing defective policies. The Court's vagueness finding disregarded specific factual allegations, the liberal construction owed to pro se pleadings, and—most critically—the supplemental filings the Court improperly mooted rather than reviewed on the merits, many of which directly addressed the perceived gaps. Qualified immunity is likewise unavailable: Williams (2025), Goldberg v. Kelly (1970), and Mathews v. Eldridge (1976) clearly establish UI claimants' rights to timely, adequate notice and a meaningful opportunity to be heard. Dismissing with prejudice was clear error and incompatible with Williams v. Reed (2025), which forbids using procedural obstacles to immunize officials from federal accountability. The Second Amended Complaint alleges personal participation by Barela and Fitzgerald policy directives authorizing integrity holds without adequate notice and approval of appeal funnels that foreclose wage challenges actions that violate clearly established rights to timely notice and a meaningful hearing. See *Williams (2025); Goldberg (1970); Mathews (1976).* Qualified immunity does not apply at the pleading stage on these facts and, in any event, does not apply to official-capacity *Young* relief.

VII. "Abandoned" Claims Were Not Waived

The Court's dismissal of Claims 4–8 as "abandoned" for Plaintiff's failure to reiterate arguments in his motion-to-dismiss response effects an improper forfeiture and manifest injustice. As a pro se litigant, Plaintiff preserved these claims in the Amended Complaint and multiple supplements , which expressly addressed the defenses raised (e.g., exhaustion, immunity) even if not replicated verbatim under each count. Liberal construction mandates merits consideration of such filings, not waiver for lack of point-by-point duplication. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991); cf. C1.G v. Siegfried, 38 F.4th 1270, 1282 (10th Cir. 2022) (distinguishing true abandonment from incomplete briefing where the record otherwise preserves the claim).Defendants failed to carry their burden of showing waiver, as their motion recycled exhaustion and abstention theories now foreclosed by Williams v. Reed, which bars such doctrines from immunizing systemic UI due-process failures. Plaintiff's supplements squarely joined these issues, obviating any need for redundant count-by-count responses. The Court's contrary ruling constitutes an abuse of discretion, particularly where Defendants never rebutted the systemic allegations (e.g., non-notice, misrouted appeals, retaliatory holds, ADA barriers), thereby forfeiting any merits defense. The Second Amended Complaint cures any deficiencies

In conclusion The September 2, 2025 judgment perpetuates systemic UI violations by misapplying abstention, immunity, and qualified immunity, while mooting curative filings and deeming claims abandoned. Intervening Williams v. Reed demands federal review. Vacatur corrects these clear errors, averts manifest injustice, grants leave for the co-filed Second Amended Complaint focusing prospective relief and limited §504 damages.

Plaintiff respectfully requests that the Court:

1. Vacate the September 2, 2025 judgment due to clear legal errors and manifest injustice;
2. Grant leave to file the co-filed Second Amended Complaint, which cures all identified defects;
3. Reinstate and decide Plaintiff's co-filed Amended Emergency Injunction on the merits, with a prompt hearing;
4. Order limited, expedited discovery into vendor contracts, fee structures, and ReliaCard steering practices to substantiate systemic violations; and
5. Issue any further relief necessary to ensure constitutionally adequate reprocessing of Plaintiff's 2023 claim and access to functional appeal routes during this litigation.

Joshua Abrams

Date: 09-19-2025 | ❑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 09-19-2025 a true and accurate copy of this filing were served on Defendants by: E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov