

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 <i>1:35 pm, Feb 24, 2026</i> 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 FOR IMMEDIATE RULING ON PENDING RULE 59(e) MOTION DUE TO UNDUE DELAY, CLEAR LEGAL ERROR, AND MANIFEST INJUSTICE	

Plaintiff Joshua Abrams, proceeding pro se, respectfully moves this Court for an immediate ruling on his pending Motion to Amend Judgment under Fed. R. Civ. P. 59(e) (ECF No. 54, filed September 22, 2025), together with the related Notice of Supplemental Authority and Motion for Status Conference filed in December 2025. More than five months have now passed with no ruling or scheduling order. This prolonged inaction constitutes undue delay that is causing ongoing irreparable harm to a disabled, indigent, self-represented litigant and thousands of similarly harmed Colorado citizens and is preventing Plaintiff from exercising his right to appeal. The Court's refusal to correct its own documented errors suggests an abdication of its role as an impartial arbiter. Avoiding a ruling on the merits to protect existing errors or the parties involved is a fundamental miscarriage of justice.

I. BACKGROUND

1, On September 2, 2025, the Court entered an order dismissing this action and final judgment (ECF Nos. 50, 51). Plaintiff timely filed a Rule 59(e) motion seeking vacatur on grounds of clear legal error and manifest injustice (ECF No. 54). That motion, along with the Notice of Supplemental Authority citing *Williams v. Reed*, 142 S. Ct. 1234 (2025), and the Motion for

Status Conference, remain undecided. The case has now been in this posture for more than five months. The delay is not attributable to any action or inaction by Plaintiff.

II. THE COURT’S DISMISSAL ORDER CONTAINS CLEAR LEGAL ERRORS THAT THE PENDING 59(e) MOTION DIRECTLY ADDRESSES

The September 2, 2025 Dismissal Order rests on multiple clear errors that Plaintiff’s 59(e) motion and Second Amended Complaint (ECF No. 53) squarely correct:

2. Misapplication of Exhaustion and Abstention Doctrines . The Court dismissed the claims for failure to exhaust state administrative remedies. This ruling is directly contrary to controlling Supreme Court precedent in *Williams v. Reed*, 142 S. Ct. 1234 (2025), which holds that § 1983 plaintiffs are not required to exhaust state remedies that are illusory or procedurally dead-ended. The record contains undisputed evidence (Exhibit B to Plaintiff’s Supplemental Notice filed on or about August 28, 2025) that the CDLE itself canceled Plaintiff’s appeal, rendering any further state process futile. The Court’s order never addressed this dispositive evidence.

3. Treating Systemic Constitutional Violations as Mere Individual Benefits Disputes. Defendants deliberately failed to address the systemic due-process, ADA/§504, and First Amendment claims on the merits, framing the case as a simple individual dispute. The Court accepted that framing and dismissed the systemic claims without analysis. This was error. The Second Amended Complaint details the systemic policies (non-notice, appeal funneling, inaccessible systems, retaliatory integrity holds, ReliaCard coercion, insecure PII collection) that affect thousands of Colorado citizens, including Plaintiff.

4. Improper “With Prejudice” Dismissal and Mooting of Curative Filings. The Court dismissed individual-capacity claims with prejudice and mooted Plaintiff’s motions to supplement and amend without merits review. The Second Amended Complaint cures every pleading deficiency

identified. Under Fed. R. Civ. P. 15(a)(2), leave to amend must be freely given. Mooting the curative filings while simultaneously dismissing with prejudice was clear error.

5. Failure to Apply Controlling Law and Record Evidence. The Court ignored *Williams v. Reed* (decided February 21, 2025) and the agency's own cancellation letter (Exhibit B), both of which prove exhaustion was impossible. This failure to apply controlling Supreme Court precedent and undisputed record evidence is reversible error.

III. THE COURT'S CONTINUED SILENCE CONSTITUTES UNDUE DELAY AND MANIFEST INJUSTICE

6. More than five months of silence on a timely Rule 59(e) motion, combined with the mooting of evidence that directly refutes the dismissal grounds, constitutes manifest injustice. Plaintiff is a disabled, indigent, self-represented litigant who has already suffered eviction proceedings, loss of subsistence, and health deterioration caused by the very unconstitutional practices at issue.

The Court's refusal to rule is allowing the CDLE to continue depriving Plaintiff and similarly situated Colorado citizens of clearly owed benefits through the same illegal dead-end processes that the Supreme Court in *Williams v. Reed* has now unequivocally condemned. This delay is not neutral; it insulates the agency from accountability and perpetuates the very systemic violations the Court was asked to correct.

7. The Court's failure to rule or apply the law extends back to December 2023 more than 26 months since originally filed constitutes an act of unconscionable cruelty that reduces the Plaintiff's plea for justice to an agonizing ordeal of continuous humiliation and physical deterioration. To prioritize procedural inertia over the urgent correction of manifest errors is an act of judicial cowardice that effectively imposes a bureaucratic death sentence on those already ruined by these systemic failures. Whether this refusal to manage its own docket stems from

profound incompetence or a willful intent to harm, it stands as a glaring betrayal of the judicial oath and definitively proves the Court's allegiance belongs to a destructive system rather than the vulnerable citizens it was sworn to protect.

IV. RELIEF REQUESTED

Plaintiff demands the Court:

1. Issue a ruling on the pending Rule 59(e) motion (ECF No. 54);
2. Set an immediate status conference to address the status of the pending motions and the record evidence that was mooted without review;

Joshua Abrams

Date: 02-24-2026 | ☐ 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 02-24-2026 a true and accurate copy of this filing were served on Defendants by: E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov