

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 8:04 am, Oct 16, 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 Reply Brief on Vacature	

Plaintiff Joshua Abrams, submits this Reply to the State Defendants' Response to Plaintiff's Motion to Amend Judgment. Defendants' opposition relies on procedural technicalities, mischaracterizations of controlling precedent, and a selective reading of the record that ignores Plaintiff's prior efforts to supplement and amend the complaint, as well as the Court's errors in mooted those filings without merits review. Vacatur under Federal Rule of Civil Procedure 59(e) is warranted due to clear legal errors. Particularly the misapplication of abstention and exhaustion doctrines in light of *Williams v. Reed*, 142 S. Ct. 1234 (2025), and manifest injustice from the Court's months of silence, improper mooted of motions (including for leave to supplement, status conferences, and counsel), and failure to engage with systemic federal claims that have no viable state remedy.

Defendants' insistence on state exhaustion or remand is futile, as Plaintiff's Second Amended Complaint (ECF No. 53) and proposed third version center on federal constitutional and statutory violations (e.g., due process deprivations, First Amendment retaliation, ADA/§504 discrimination) that are exclusively federal in nature and untethered from mere administrative benefits disputes. The Court's dismissal overlooked these realities, dismissing most claims

without prejudice while ignoring Plaintiff's timely motions to cure defects and incorporate intervening law. As a pro se litigant facing indigency and access barriers Plaintiff is entitled to liberal construction under *Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991), and denial of vacatur would perpetuate irreparable harm, including eviction risk and health deterioration from Defendants' inaccessible processes. Plaintiff has been denied access to the case jacket, with clerks referring him to PACER which has fees which the court ignored despite existence of a fee waiver restricting access and proper references to all ECF number combined with mooted motions for appointment of counsel and then to highlight procedural and technical errors as worthy against the plaintiff when the defendant has multiple attorneys and paralegals at their disposal reflect an uneven and obstructive ability for the plaintiff to engage considering his disability and indigent status unfairly burdens compliance with their own created obstructions.

1. Certificate of Conferral and Procedural Compliance

Pursuant to D.C.COLO.LCivR 7.1(a), Plaintiff emailed Defendants' counsel on October 13, 2025, to confer in good faith regarding vacatur, amendment, and resolution of disputed issues (Exhibit A, attached hereto). Defendants responded on October 15, 2025, declining consent, asserting *Williams v. Reed* is distinguishable, and refusing to engage substantively on curing alleged deficiencies or resolving merits disputes (Exhibit B, attached hereto). Defendants mischaracterized Plaintiff's conferral as seeking "legal advice," despite the email's clear focus on narrowing issues as required by the local rule. This non-engagement exemplifies Defendants' pattern of bad-faith obstruction evident throughout the case. Defendants reference Plaintiff's initial failure to confer as if it were deliberate or critical to the case's resolution, when in reality it represents an attempt to abuse process by exploiting minor procedural oversights that mirror their ongoing patterns of non-compliance with law by leveraging deficiencies from a pro se and disabled party to obstruct justice and evade substantive engagement on unconstitutional

practices, serving no legitimate purpose. Any prior conferral lapse was minor, excusable for a pro se litigant denied counsel, and now fully and immediately cured upon notice.

1(A). Formal Certification of Conferral

Pursuant to D.C.COLO.LCivR 7.1(a), Plaintiff emailed opposing counsel on October 13, 2025, to confer in good faith regarding the Rule 59(e) Motion to Amend Judgment and potential leave to file a Third Amended Complaint (Exhibit A, attached hereto). Defendants responded on October 15, 2025, declining to consent to vacatur or amendment, asserting *Williams v. Reed* is distinguishable, and stating the case remains closed (Exhibit B, attached hereto). Defendants offered no substantive response to Plaintiff's questions about resolving disputed issues or curing alleged deficiencies.

2. Defendants' Waivers Due to Non-Response

Defendants' original Motion to Dismiss (ECF No. 33) similarly ignored and failed to rebut Plaintiff's claims of systemic and constitutional violations, including widespread due process deprivations, First Amendment retaliation, and ADA/§504 failures, instead relying solely on inapplicable Eleventh Amendment immunity and exhaustion arguments that have since been proven illusory (e.g., no actionable notices or viable appeals routes existed, rendering any exhaustion window long expired and state proceedings mere dead ends that would obstruct federal justice and evade constitutional accountability). Defendants completely un rebutted all claims of systemic and ongoing harms, failing to address or raise proper defenses to these core allegations, leaving them uncontested. By failing to refute or engage with these arguments, Defendants have waived them under the same logic they hypocritically invoke against Plaintiff asserting that non-response constitutes concession or waiver (D.C.COLO.LCivR 7.1(e); see also Plaintiff's original Reply Brief and Response to Defendant Motion to Dismiss where Defendants' omissions operated as admissions. This is particularly inconsistent and shifting, as

Defendants claim Plaintiff waived certain claims by allegedly failing to address minor counts in reply briefs, when in reality, their own failure to raise proper defenses meant there was nothing substantive to reply to, demonstrating bad-faith mischaracterizations that deny the record, rewrite reality, and seek to distract the Court from Plaintiff's main duties to remedy systemic injustices, where amendment was timely motioned to cure any perceived defects.

3. Futility of State Remedies and Improper Venue Arguments

Defendants' insistence upon exhaustion of state remedies or remand to state court is plainly futile, as such proceedings are wholly inadequate to vindicate Plaintiff's federal constitutional claims including violations of due process under the Fourteenth Amendment and discriminatory practices under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act which fall squarely within the exclusive purview of federal jurisdiction. See *Williams v. Reed*, 142 S. Ct. 1234, 1245-47 (2025) (precluding abstention or exhaustion where state administrative processes erect illusory barriers to federal review); *Patsy v. Board of Regents of State of Florida*, 457 U.S. 496, 516 (1982) (holding that exhaustion of state remedies is not required for claims brought under 42 U.S.C. § 1983). Deferral to state fora in these circumstances would impermissibly permit deficient and opaque state mechanisms to circumvent federal scrutiny, thereby perpetuating systemic harms and impeding the administration of justice in contravention of the Supremacy Clause of Article VI of the United States Constitution. *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 78 (2013) (emphasizing the narrow application of Younger abstention and the primacy of federal courts in adjudicating federal rights).

4. The Court's Dismissal Misapplied Abstention, Exhaustion, and Immunity Doctrines

Defendants contend *Williams v. Reed* is not an "intervening change" in law, asserting Plaintiff could have raised it earlier and that it is not applicable to this federal suit. This misreads both the timeline and *Reed's* scope, constituting clear error warranting vacatur.

5. Error in the Timeline and Handling of Motions to Incorporate Reed

Reed, decided February 21, 2025, post-dates Plaintiff's original Complaint (ECF No. 1, December 6, 2024) and Amended Complaint (ECF No. 7, February 7, 2025). Plaintiff drafted his Opposition to Defendants' Motion to Dismiss (ECF No. 36, late April/early May 2025) around the time of Reed's issuance but was unaware of it during initial preparation. More critically, Plaintiff attempted to incorporate Reed and cure defects through subsequent filings, including the Motion for Leave to Supplement Complaint around ~June/July 2025, which sought to add new evidence (e.g., ReliaCard coercion, out-of-state wage exclusion, appeal cancellations) and address systemic issues where during that time Plaintiff would have been able to have done proper research and noted and incorporated those changes. The existing pending motion to amend moots any concessions of failure to reference Reed earlier, as court rules and standards (e.g., RMR Civ. Practice Standard 7.1A prohibiting multi-issue or duplicate motions) bar amending pending motions or filing redundant ones to avoid confusion and inefficiency. Had the Court not waited months to moot everything, Plaintiff could have freely amended under Rule 15(a)(2)'s liberal standard. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Not specifically referencing that single change amid a mountain of other legitimate reasons to amend does not justify ignoring controlling law now raised. The Court improperly mooted this motion, along with others that sought to supplement plaintiff's complaints and opposition to dismissal (e.g., ECF Nos. 35, 37, 41, 44, 49, 55), without merits review, depriving Plaintiff of the opportunity to integrate Reed's holdings.

6. Reed's Direct Applicability to Abstention and Exhaustion

Reed is controlling and directly applicable: It bars abstention or exhaustion requirements where state UI systems impose "procedural barriers" that deny claimants a meaningful opportunity to challenge denials or delays, particularly through deficient notices, illusory appeals, or systemic

failures that obstruct federal accountability. 142 S. Ct. at 1245-47. Colorado's practices—no notices for underpayment or cross-state wages, "funneling" appeals into irrelevant tracks (e.g., "withdrawal" instead of underpayment, ECF No. 53, pp. 5-7), retaliatory "integrity" holds without process (id., pp. 8-9), and ADA failures (oral-only accommodations causing COVID exposure, id., pp. 10-12)—create the exact "catch-22" Reed condemns. Defendants' distinction (Reed as "narrow" to state-court delay claims) ignores its broader Supremacy Clause rationale, which applies to federal suits challenging systemic deprivations. *Patsy v. Bd. of Regents*, 457 U.S. 496, 516 (1982) (no exhaustion for §1983 claims); *Sprint Commc'ns v. Jacobs*, 571 U.S. 69, 78 (2013) (Younger abstention narrowly limited). The Court's reliance on exhaustion (ECF No. 50, pp. 9-13) was clear error post-Reed, as no viable state route existed for Plaintiff's claims (e.g., March 24, 2023 appeal cancellation without notice, ECF No. 53, p. 6).

7. Nature of Relief Sought

This clarification directly rebuts Defendants' misreading of Reed as inapplicable to suits seeking "benefits," as none of Plaintiff's claims demand direct payment of backpay; any reference to such (\$6,000 underpayment) is incorporated solely through the emergency injunction motion (ECF No. 55) and serves only as evidentiary support for personal harms and broader systemic violations, not as a standalone request for retrospective monetary relief. Plaintiff's core claims focus on prospective injunctive and declaratory remedies to halt ongoing constitutional deprivations, rendering state administrative appeals irrelevant and incapable of redress.

8. Inadequacy and Futility of State Remedies

None of Plaintiff's claims are curable through state remedies or appeals, as the applicable windows for any such proceedings have long expired due to Defendants' deficient notices and illusory processes, further entrenching the obstruction Reed prohibits. Remand or exhaustion would result in additional delays and obstruction, allowing state fora to rely on rubber-stamp

rulings from lower administrative bodies to evade substantive engagement with federal duties, perpetuating systemic injustices without addressing the constitutional violations at issue. This deferral contravenes Reed's mandate against using state mechanisms as barriers to federal accountability, especially where, as here, the claims are inherently federal in nature and untethered from resolvable administrative disputes.

9. Misconstrued Immunity and ADA Claims

The dismissal misconstrued immunity: Plaintiff's claims seek prospective injunctive/declaratory relief under *Ex parte Young*, 209 U.S. 123 (1908), with §504 damages limited to deliberate indifference for federally funded programs (42 U.S.C. § 2000d-7 waiver). Had the Court engaged with or considered any of Plaintiff's supplemental motions, notices, and submissions in support of these claims (e.g., ECF Nos. 35, 37, 41, 44, 49, 55), the applicability of these carve-out exceptions to immunity would have been evident and was fully and properly cured in the 2nd amended complaint. Plaintiff properly argues that sovereign immunity is waived under §504 where Defendants exhibited reckless disregard and deliberate indifference, leading to severe harm through obstruction, engineered limitations on accommodation requests, and resulting physical, economic, and other injuries including life-threatening health consequences that nearly killed Plaintiff and caused significant lost work due to hospitalization. Defendants' arguments overlook this, and the curing of the carve-out for waived immunity was properly raised in the Second Amended Complaint, submitted with the Motion to Amend Judgment.

10. Court-Imposed Access Barriers & Unequal Litigative Resources

The Court's handling of this case has compounded manifest injustice through systemic access barriers that unfairly disadvantage Plaintiff as a pro se, indigent, and disabled litigant. Despite the existence of a fee waiver under 28 U.S.C. § 1915, Plaintiff was denied access to the case

jacket (docket sheet), with clerks referring him to direct payment for copies or PACER a service that imposes fees the waiver was intended to exempt severely restricting his ability to make proper references to ECF numbers and fully engage with the record with Plaintiff experiencing destitution even small fees are unaffordable thus blocking access. This obstruction, combined with the Court's mooted of Plaintiff's motion for appointment of counsel without merits review, has left Plaintiff unable to navigate procedural complexities on equal footing with Defendants, who benefit from multiple attorneys and paralegals at their disposal. The courts or the defendants highlighting of minor procedural or technical errors against Plaintiff, such as initial conferral lapses while ignoring these imbalances reflects an uneven playing field that unfairly burdens compliance, particularly given Plaintiff's disabilities and indigency, which exacerbate his inability to overcome court-created obstructions. Such disparities constitute manifest injustice under Rule 59(e), warranting vacatur to ensure equitable access to justice. *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000) (recognizing procedural barriers as grounds for relief); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (requiring leniency).

11. Combined Motions Do Not Warrant Denial Under Pro Se Leniency Standards

Defendants' invocation of Judge Rodriguez's Uniform Civil Practice Standard 7.1A(a)(5) to bar Plaintiff's combined motion (vacatur and amendment) elevates local form over federal substance, ignoring that such standards are flexible guidelines, not rigid bars, especially for pro se litigants where combined filings promote efficiency without prejudice. See D.C.COLO.LCivR 1.1(d) (local rules construed to secure just, speedy determination); *United States v. Buchanan*, 891 F.3d 1201, 1204 (10th Cir. 2018) (district courts abuse discretion by rigidly applying local rules to dismiss pro se claims without considering leniency). Here, the combination logically flows from Rule 59(e)'s purpose to reopen for amendment post-error causing no confusion or harm, unlike cases where multiplicity overwhelms dockets. Denying relief on this ground would violate pro se

protections, as Plaintiff lacked counsel to parse standards amid denied docket access. *Hall v. Bellmon*, (1991) (technical non-compliance excused where justice served).

12. Plaintiff addresses the remaining points raised in Defendants' Response to the Motion to Amend Judgment (ECF No. 56) below, demonstrating that their procedural and substantive objections lack merit and further underscore the need for vacatur to prevent manifest injustice.

13. Reed's Omission is Excusable Due to Timing and Pro Se Constraints

Defendants' hindsight claim that Reed could have been raised in ECF Nos. 36 (opposition, late April/May 2025), 48 (supplemental response), and 49 (motion to supplement) disregards the decision's recency and Plaintiff's pro se limitations. ECF 36 was drafted contemporaneously with Reed's issuance (February 21, 2025), when awareness required immediate legal monitoring unavailable to an indigent litigant without free research tools or counsel. See *Swoboda v. Dubach*, 992 F.2d 286, 289 (10th Cir. 1993) (excusing pro se delays where access to law is limited). ECF 48 and 49 focused on evidentiary supplements (e.g., new harms), not legal updates; mandating exhaustive precedent integration in every filing imposes a standard unattainable for unrepresented parties. *Ogden v. San Juan Cnty.*, 32 F.3d 452, 455 (10th Cir. 1994) (pro se not held to counsel's knowledge). This does not preclude Rule 59(e) relief, as "intervening" includes law not feasibly raised due to circumstances. *Comm. of Blind Vendors v. Dist. of Columbia*, 28 F.3d 130, 133 (D.C. Cir. 1994).

14. Reed Controls Federal Claims for Systemic Reforms Beyond Mere Delays

Defendants erroneously cabin Reed to state-court delay challenges, but its holding that state exhaustion cannot bar §1983 claims for UI due process violations extends to federal suits seeking benefits entitlement or broad injunctions against systemic deprivations, as the Supremacy Clause preempts any procedural shield obstructing federal rights enforcement. 142 S. Ct. at 1246; see *Felder v. Casey*, 487 U.S. 131, 141 (1988) (state notice rules preempted for §1983 claims in

federal court, as they "burden the exercise of the federal right"). Plaintiff's claims for reprocessing and reforms are not retrospective "benefits" demands but prospective fixes to ongoing barriers, akin to Reed's condemnation of processes that "deny claimants a viable avenue" for federal review directly applicable here to prevent evasion of programmatic accountability. *Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 642 (2002) (Ex parte Young suits for systemic injunctions viable in federal court despite state remedies).

15. Amendments Present New Evidence Under Rule 59(e)'s Flexible Standard

Defendants' characterization of the amendments as mere recycling of prior arguments disregards the genuinely new evidence that emerged subsequent to their Motion to Dismiss (ECF No. 33), qualifying for reconsideration under Rule 59(e)'s standard for "newly discovered" material not reasonably available earlier. See *Zurich N. Am. v. Matrix Serv., Inc.*, 426 F.3d 1281, 1290 (10th Cir. 2005) (encompassing factual developments post-filing that could not have been fully presented before); *Comm. to Save the Rio Hondo v. Lucero*, 102 F.3d 445, 449 (10th Cir. 1996) (evidence is "new" if not reasonably discoverable at the time due to evolving circumstances). Here, critical details on PII mishandling and ReliaCard coercion arose from Plaintiff's 2025 unemployment claim interactions, post-dating Defendants' response and revealing conclusive evidence of vendor steering, improper handling of sensitive data, and inadequate training of call center employees issues not fully manifest or documentable until these later developments in mid to late 2025. This evidence includes newly submitted transcripts of call interactions demonstrating mishandling and steering tactics, which were unavailable during initial drafting and support entirely new counts (e.g., association-in-fact enterprises under RICO-like theories) that integrate controlling law like *Williams v. Reed* for systemic procedural barriers. While partially alluded to in earlier notices and supplements (e.g., ECF Nos. 35, 37, 41, 44, 49, 55), those filings were improperly mooted without review (ECF No. 50, p. 19), preserving their

novelty for vacatur purposes. Denying amendment on this basis would overlook Rule 59(e)'s remedial function to incorporate such post-filing evolutions, preventing injustice where, as here, the evidence directly bolsters claims of ongoing violations not resolvable anywhere else.

16. Mooting of Supplements Viable; Specific Claims Not Futile

The mooting of ECF 49 was erroneous, as the claims are viable: For ADA/§504, "access to benefits" does not negate violations where processes are ineffective and discriminatory, causing harms like COVID exposure actionable under deliberate indifference (28 C.F.R. § 35.130(b)(7); *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 597 (1999)). RICO targets personal-capacity acts in enterprises (e.g., vendor kickbacks), not barred by immunity (*Hafer v. Melo*, 502 U.S. 21, 31 (1991)). CCPA is withdrawn in amendments (ECF No. 53 omits) or inapplicable; CGIA notice is preempted for federal claims (*Felder v. Casey*, 487 U.S. 131, 144 (1988)). These cures merit review under Rule 15's liberal policy (*Foman v. Davis*, 371 U.S. 178, 181-82 (1962)).

17. Pro Se Leniency Applies to Procedural Lapses Caused by Systemic Barriers

Defendants' citation to *Hall v. Bellmon* and *Garrett v. Selby* for strict rule compliance misapplies those cases, which affirm leniency for pro se lapses from barriers like indigency or disability. Here, violations stem from denied docket access and mooted counsel motion, warranting waiver to avoid injustice (*Andrew v. Heaton*, 2004).

18. Amendments Seek Prospective Relief;(Addressing Abandoned Claims)

Defendants' futility claim that amendments are retrospective (e.g., 2023 reprocessing as back benefits) overlooks that relief is incidental to prospective reforms, permissible under *Ex parte Young* (209 U.S. at 159-60; *Milliken v. Bradley*, (1977)). Amendments cure or withdraw abandoned claims (e.g., Claims 4-8 refined/omitted in ECF No. 53), reviving curable ones post-dismissal without prejudice (*Lacey v. Maricopa Cnty.*2012). Non-response was due to Defendants' inadequate challenges, shifting no burden (*Foman*, 371 U.S. at 181-82).

19. Ancillary Relief Ripe Upon Vacatur

Defendants' ripeness objection to discovery and injunction assumes closure, but vacatur reopens the case, making targeted discovery (e.g., vendor contracts) essential under Rule 26(b)(1) (Oppenheimer Fund, Inc. v. Sanders, (1978)). The injunction is ripe for ongoing harms (Winter v. NRDC, (2008); Ashcroft v. Mattis, (1977)).

20. Irreparable Harm from Further Delays Via Appellate Proceedings

Requiring Plaintiff to pursue time-consuming appeals would inflict extreme and irreparable harm, particularly as an unrepresented, indigent, and disabled litigant, while perpetuating the systemic unconstitutional harms alleged without ever affording a merits review or engagement with Defendants' improperly raised defenses. Federal courts have a duty to act promptly in constitutional due process cases involving public benefits, where delays risk erroneous deprivations leading to poverty, eviction, and health crises, to Plaintiff and thousands of other claimants experiencing the same systemic injustices cause harms that cannot be adequately remedied post hoc. See *Goldberg v. Kelly*, 397 U.S. 254, 264 (1970) (holding that termination of welfare benefits without pre-deprivation process causes irreparable injury, as "the stakes are simply too high" for recipients dependent on subsistence); *California Dep't of Human Resources Dev. v. Java*, 402 U.S. 121, 130-31 (1971) (requiring prompt payment of unemployment benefits "when due" under the Social Security Act to avoid irreparable harm from delays in essential aid); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 547 (1985) (mandating prompt post-deprivation hearings in due process cases to minimize harm from erroneous decisions). Here, the ongoing denial of due process in Colorado's UI system through deficient notices, illusory appeals, and retaliatory holds has already caused Plaintiff severe economic and health harms (e.g., COVID exposure from inaccessible accommodations, ECF No. 53, pp. 10-12), and appellate delays would exacerbate these, adding years of uncertainty without resolution.

This harm is magnified for pro se indigent litigants like Plaintiff, who face further denials and restrictions in acquiring necessary transcripts and copies for appeals, despite fee waivers under 28 U.S.C. § 1915 barriers that violate the fundamental right of access to the courts. *Lewis v. Casey*, 518 U.S. 343, 351 (1996) (requiring meaningful access to courts for constitutional claims, including for indigents challenging governmental deprivations); see also *Bounds v. Smith*, 430 U.S. 817, 821-22 (1977) (states must provide tools for indigent litigants to pursue legal claims effectively). Forcing appeals without merits review below would likely result in rubber-stamping of the dismissal, evading substantive engagement with systemic injustices and allowing Defendants' inadequate defenses (e.g., unaddressed systemic claims in ECF No. 33) to persist unchecked contrary to pro se leniency standards that mandate liberal construction and avoidance of undue burdens. *Hall v. Bellmon*, (1991) (courts must construe pro se pleadings liberally and not dismiss on technical grounds without opportunity to cure). Vacatur under Rule 59(e) is thus essential to correct these errors expeditiously, preventing irreparable harm and fulfilling the court's duty to ensure prompt justice in constitutional cases. *Servants of Paraclete v. Does*, (10th Cir. 2000) (manifest injustice includes procedural flaws causing undue hardship).

Conclusion

Vacatur is imperative to rectify the Court's clear errors and prevent manifest injustice, as required by Rule 59(e). Controlling precedents demand federal jurisdiction over these systemic UI violations: *Williams v. Reed*, preempts state exhaustion rules that create a "catch-22" by immunizing officials from §1983 due process claims for administrative delays, directly applicable here where Colorado's deficient notices and illusory appeals obstruct accountability; *Patsy v. Bd. of Regents*, confirms no exhaustion for §1983 claims; *Sprint Commc'ns v. Jacobs*, limits Younger abstention narrowly, precluding deferral to inadequate state processes; *Ex parte Young*, authorizes prospective injunctive relief against ongoing violations; and 42 U.S.C. §

2000d-7 waives immunity for §504 claims involving deliberate indifference in federally funded programs. Plaintiff's inability to submit multiple motions to amend barred by Standard 7.1A against duplicates and multi-issue filings to avoid confusion does not forfeit the right to cure, which was fully achieved through the Second Amended Complaint under Rule 15(a)(2)'s mandate to freely grant leave when justice requires, especially for pro se litigants. Denying vacatur would reward Defendants' obstruction, force unnecessary appeals exacerbating irreparable harms like eviction and health risks for this indigent pro se plaintiff, and evade merits review of unchallenged systemic injustices contravening the court's duty to ensure prompt justice and equitable access. Plaintiff requests: (1) vacatur of judgment; (2) Acceptance of Plaintiff's 2nd amended complaint ,or (3) leave to file a 3rd Amended Complaint to cure any deficiencies

Exhibits:

Ex. A: Plaintiff's Conferral Email

Ex. B: Defendants' Response

Joshua Abrams

Date: 10-15-2025 | ☐ 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 10-15-2025 a true and accurate copy of this filing were served on Defendants by: E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov