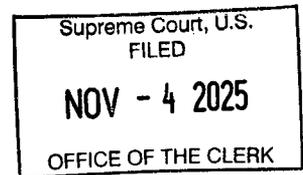


25-7031

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

No. \_\_\_\_\_



ELHADJ ALPHA MAHMOUD SQUARE,  
Petitioner,

v.

MAGISTRATE DIANE DAUGHERTY AND  
JUDGE KATRINA COOK,  
Respondents.

On Petition for a Writ of Certiorari  
to the Supreme Court of Ohio  
Case No. 2025-0901

PETITION FOR A WRIT OF CERTIORARI

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Petitioner, Pro Se

## **QUESTIONS PRESENTED**

1. Whether Ohio Revised Code § 3109.042—which automatically grants sole custody of a child to the mother by operation of law when the parents are unmarried—violates the Due Process Clause of the Fourteenth Amendment when applied to a biological father listed on the birth certificate who has never been found unfit and who was given no notice or hearing.
2. Whether the refusal of state judicial officers to allow a hearing, receive evidence, rule on motions, or consider judicial-disqualification motions in a custody proceeding violates the procedural due process and equal protection rights of an unmarried father under the Fourteenth Amendment.
3. Whether the dismissal of a mandamus and prohibition action without addressing the underlying constitutional violations denies the petitioner meaningful access to the courts, in violation of the Due Process Clause.
4. Whether the differential treatment of an African-American unmarried father—whose motions and evidence were ignored—violates the Equal Protection Clause and Title VI, where similarly situated parents receive hearings and adjudication.

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Questions Presented  
Jurisdiction  
Statement of the Case  
Reasons for Granting the Writ  
Conclusion

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**OPINIONS BELOW**

The judgment of the Supreme Court of Ohio dismissing the petition for writ of mandamus is unreported. Relevant orders and magistrate decisions from the Summit County Domestic Relations Court are included in the Appendix.

**JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Supreme Court of Ohio entered final judgment on October 1, 2025. This petition is timely filed within 90 days of that judgment.

# **STATEMENT OF THE CASE**

Petitioner is the biological father of Ziyang Souare, born in 2020, whose father appears on the birth certificate. Petitioner and the child's mother were never married.

## **1. Magistrate Declares Mother Sole Custodian Without Hearing**

During a custody proceeding before Magistrate Diane Daugherty in the Summit County Domestic Relations Court, the magistrate declared that the mother was the sole custodial parent "by operation of law" under Ohio Rev. Code § 3109.042.

No hearing was held.

No evidence taken.

No inquiry into Petitioner's fitness.

## **2. Motions for Hearing and for Disqualification Ignored**

Petitioner filed motions challenging the magistrate's ruling, requesting a hearing, and seeking disqualification for bias.

None were heard.

None were ruled on.

## **3. Judge Cook Refuses Review**

Judge Katrina Cook refused to remove or supervise the magistrate and allowed the unconstitutional process to continue.

## **4. Petitioner Removed from Courtroom**

During a settlement conference, Petitioner objected to the deprivation of his rights and lack of hearing. He was removed from the courtroom without cause, further denying him access to the tribunal.

## **5. Ohio Supreme Court Dismisses Without Reaching the Constitutional Issues**

Petitioner filed an original mandamus and prohibition action in the Ohio Supreme Court.

On October 1, 2025, the court dismissed the action without analysis.

## **REASONS FOR GRANTING THE WRIT**

### **I. Ohio's "Automatic Custody to Mother" Statute Conflicts with U.S. Supreme Court Precedent.**

Stanley v. Illinois prohibits presuming an unmarried father unfit. Ohio's statute does exactly that.

### **II. The Denial of Any Hearing Violates Procedural Due Process.**

Parental rights are "far more precious than property rights." (Santosky). Petitioner received no notice, no evidence, no process.

### **III. Magistrates Exercising Judicial Power Without Review Violates Separation of Powers.**

Under Northern Pipeline and related cases, fundamental liberty decisions must be made by constitutionally authorized judges, not subordinate officers.

### **IV. The Case Raises Critical Equal Protection Issues Affecting Unmarried African-American Fathers.**

Petitioner was denied hearings, motions, and equal treatment.

### **V. Nationwide Importance**

Hundreds of thousands of fathers nationwide face similar unconstitutional presumptions due to Title IV-D and state statutory schemes.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Elhadj Alpha Mahmoud Souare  
Petitioner, pro se

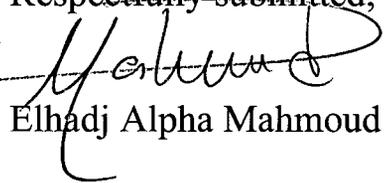
Date: 12-2-2025

## CERTIFICATE OF SERVICE

I certify that on this 2 day of 12 2025, I served a copy of this Petition for Writ of Certiorari by first-class mail, postage prepaid, upon:

Summit County Prosecutor's Office  
205 S. High Street  
Akron, Ohio 44308

Respectfully submitted,

  
Elhadj Alpha Mahmoud Souare

## APPENDIX

### A. Ohio Supreme Court Entry (October 1, 2025)