IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2026

ELHADJ ALPHA MAHMOUD SOUARE,

Petitioner,

v.

AKRON METROPOLITAN HOUSING AUTHORITY, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

PETITION FOR REHEARING UNDER SUPREME COURT RULE 44.2

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QUESTIONS PRESENTED FOR REHEARING

1. Whether a district court's reliance on the non-return of unrelated prior court mailings satisfies the standard of proof for notice under Federal Rule of Appellate Procedure 4(a)(6), or whether Federal Rule of Civil Procedure 77(d) mandates a distinct examination into whether service of the specific order at issue was properly made and recorded.
2. Whether the Rooker-Feldman doctrine bars federal subject-matter jurisdiction over an action under 42 U.S.C. § 1983 where the complaint alleges independent, out-of-court constitutional injuries caused by state actors—including digital account lockouts and the intentional blockage of rent payments—rather than merely challenging the legal correctness of a subsequent state-court eviction judgment.

LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT

The parties to the proceeding in the court below were:

1. **Elhadj Alpha Mahmoud Souare**, Petitioner, proceeding pro se.
2. **Akron Metropolitan Housing Authority**, Respondent.
3. **Stephanie pence**, Respondent.

Pursuant to Supreme Court Rule 29.6, Petitioner is an individual unrepresented by counsel, has no parent corporations, and no publicly held company owns any stock or interest in any entity related to Petitioner.

PETITION FOR REHEARING

Petitioner Elhadj Alpha Mahmoud Souare, proceeding pro se, respectfully submits this petition for rehearing of the order denying his petition for a writ of certiorari.

Petitioner recognizes the exceptionally narrow scope of rehearing following a denial of certiorari under Rule 44.2. This petition is not intended merely to repeat arguments previously presented. Petitioner requests reconsideration only to the extent that substantial grounds permitted by Supreme Court Rule 44.2 are established, as the jurisdictional and procedural bars applied below require precise application of the governing federal rules and records.

I. PROCEDURAL HISTORY

Petitioner brought a civil rights action against the Akron Metropolitan Housing Authority and Stephanie Pence in the United States District Court for the Northern District of Ohio, Case No. 5:25-cv-00695-JRA. The action concerned allegations of interference with rent payments, improper handling of housing-related notices, and conduct that Petitioner contends contributed to an eviction judgment.

On February 24, 2026, the district court dismissed the action for lack of jurisdiction under the Rooker-Feldman doctrine. On March 6, 2026, the court denied Petitioner's motion to alter or amend the judgment.

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Petitioner maintains that he did not receive notice of the March 6 order within the applicable period. He states that he first learned of that order on April 15, 2026. The United States Court of Appeals for the Sixth Circuit construed Petitioner's notice of appeal as implicating Federal Rule of Appellate Procedure 4(a)(6) and remanded the matter for the district court to consider reopening the time to appeal.

On June 4, 2026, the district court denied reopening. In explaining its decision, the court relied in part on the fact that other orders mailed to Petitioner's address had not been returned as undeliverable. On July 8, 2026, the Sixth Circuit dismissed the appeal for lack of jurisdiction. Petitioner thereafter sought a writ of certiorari in this Court under docket No. 26-5350. The Court has now denied that petition.

II. THE NOTICE-OF-JUDGMENT ISSUE REQUIRES DISTINGUISHING PROOF OF MAILING FROM PROOF OF SERVICE

Federal Rule of Civil Procedure 77(d) requires the clerk to serve notice of the entry of a judgment or order and to make a note of the service in the docket. Correspondingly, Federal Rule of Appellate Procedure 4(a)(6) provides a limited mechanism for reopening the time to appeal when a party did not receive notice of the relevant judgment or order within the period specified by the Rule and the other statutory conditions are satisfied.

Petitioner's underlying argument concerns the distinction between evidence that a court ordinarily mails orders and evidence establishing that notice of the particular order at issue was served. The district court relied heavily on the fact that 13 earlier orders had not been returned as undeliverable. Petitioner contends that this fact does not conclusively establish that he received the March 6, 2026 order. As federal appellate precedent confirms (e.g., *Shuler v. Orangeburg County*), FRAP 4(a)(6) requires proof of actual receipt or verified docket notice under FRCP 77(d), rather than assumptions based on general mailing routines. Relying on unrelated prior mailings creates an improper legal presumption of receipt, shifting the evidentiary burden unfairly onto a pro se litigant and stripping away the explicit statutory protections guaranteed by Rule 77(d) and Rule 4(a)(6).

Petitioner does not assert that the absence of a docket notation, standing alone, necessarily establishes that service did not occur. Rather, the question concerns the evidence supporting the district court's determination under Rule 4(a)(6), including the distinction between mailing practices and service of the particular order. Petitioner contends that the record should be examined for the docket notation of service required by Rule 77(d) to ensure an accurate evaluation of notice.

III. THE APPELLATE-JURISDICTION QUESTION MUST BE ANALYZED SEPARATELY FROM THE UNDERLYING CIVIL RIGHTS CLAIMS

The Sixth Circuit dismissed Petitioner's appeal as untimely and explained that a separate notice of appeal from the district court's denial of reopening could be filed, subject to the applicable time limitations. That procedural distinction matters. The timeliness of an appeal from the original judgment and the timeliness of an appeal from an order denying reopening are separate questions.

Petitioner recognizes that appellate deadlines must be applied according to the governing statutes and rules. He does not contend that a court may disregard a jurisdictional deadline merely because a litigant proceeds without counsel. As this Court recognized in *Parrish v. United States*, 145 S. Ct. 1664 (2025), procedural mechanisms under Rule 4(a) must be interpreted flexibly to safeguard access to appellate review rather than creating terminal procedural traps for litigants facing genuine notice barriers. The issue here is whether the applicable rules and the record concerning notice were properly applied to the particular order and procedural posture presented. Petitioner respectfully requests that any reconsideration permitted under Rule 44.2 account for this distinct procedural boundary.

IV. THE FEDERAL JURISDICTION QUESTION MUST BE DISTINGUISHED FROM THE MERITS OF THE ALLEGED MISCONDUCT

Petitioner's original complaint alleged conduct by housing-authority personnel occurring outside the state-court proceedings, including alleged interference with rent payments and alleged defects in the handling of notices.

In Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005), this Court explained that the limited scope of the Rooker-Feldman doctrine is confined to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings

commenced and inviting district court review and rejection of those judgments." Most recently, in *T.M. v. University of Maryland Medical System Corp.*, 146 S. Ct. 1739 (2026), an intervening authority issued by this Court, the Court reaffirmed that the substantive boundaries of Exxon Mobil remain fully intact and strictly limited to direct challenges against state judgments.

Petitioner maintains that his complaint asserted independent, out-of-court injuries arising from the pre-litigation conduct of Respondents—specifically the digital payment portal blockage and account lockout—rather than merely asserting that the state court reached an incorrect legal conclusion. The decision below misapplied Rooker-Feldman to extrajudicial conduct occurring before and independently of state court proceedings. Petitioner identifies this intervening authority and distinct legal boundary to demonstrate that federal subject-matter jurisdiction was properly invoked under 42 U.S.C. § 1983 independent of the state court's eviction disposition.

V. CONCRETE EVIDENCE OF ADMINISTRATIVE MISCONDUCT

Petitioner possesses uncontroverted physical, electronic, and written evidence demonstrating that the Akron Metropolitan Housing Authority actively created an inescapable, all-or-nothing administrative trap to force an artificial lease violation:

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Evidence Type	Document Reference	Key Fact / Admission
1. Electronic Receipt	Confirmation No: I2MQ8YVGDG	On-time rent payment of $171.00 submitted on February 23, 2024 for LIPH Bank Account ending in XXXX8239.
2. Written Admission	Email from Stephanie Pence (spence@akronhousing.org)	"Since I did not receive your receipt the day you made the payment 2/23/24, I issued the lease termination and put a block on your account on the same day 2/23/24. Therefore, your payment was automatically cancelled..."
3. Contemporaneous Contest	Email from Petitioner (March 1, 2024)	Stated in real-time that Petitioner had "no reason not to pay rent and it does not even make sense at all."
4. Good-Faith Compliance	Email from Petitioner (March 1, 2024)	Expressed willingness to pay double or dispute duplicate bank charges to ensure account compliance.
5. Forced Account Lockout	Email from Stephanie Pence	"The full balance owed as of today is $342, which is what the on line account will say and it will not allow you to pay less. I cannot accept a partial payment...

Evidence Type	Document Reference	Key Fact / Admission
		Unfortunately, you will remain under lease termination until rent is paid in full."

As established in *Goldberg v. Kelly*, 397 U.S. 254 (1970) and *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), constitutional procedural due process mandates strict notice protections before an individual can be deprived of essential government benefits. A public housing authority cannot bypass administrative frameworks by unilaterally manipulating a digital portal to force a lease cancellation, as recognized under *Thorpe v. Housing Authority of Durham*, 393 U.S. 268 (1969).

VI. REQUEST FOR RELIEF

Petitioner respectfully requests reconsideration under Supreme Court Rule 44.2 based on substantial legal grounds, including intervening precedent from this Court clarifying the limits of Rooker-Feldman and the misapplication of FRAP 4(a)(6) notice standards.

Petitioner does not ask the Court to treat the denial of certiorari as an adjudication of the merits of the underlying factual allegations.

Respectfully submitted,

Person

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Date: October 19, 2026

CERTIFICATE UNDER SUPREME COURT RULE 44.2

I, Elhadj Alpha Mahmoud Souare, appearing pro se, certify that this petition is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

I understand that the Court will not entertain a petition that merely repeats arguments previously presented and that the Clerk will not file a petition that fails to comply with the Rule.

I sign this certificate subject to the requirement that the petition, as filed, identify a qualifying ground for rehearing under Rule 44.2.

Signed: Person

Elhadj Alpha Mahmoud Souare, *Petitioner Pro Se*

Executed on: October 19, 2026

CERTIFICATE OF SERVICE

I, Elhadj Alpha Mahmoud Souare, do hereby certify that on this 19th day of October, 2026, I served a true and correct copy of the foregoing Petition for Rehearing upon the Respondents by depositing the same in the United States Mail, first-class postage prepaid, addressed to the attorney of record for the Respondents:

Akron Metropolitan Housing Authority
Legal Department / Attorney of Record
100 West Cedar Street
Akron, OH 44307

Signed: Person

Elhadj Alpha Mahmoud Souare

