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No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 10 2026

OFFICE OF THE CLERK

ELHADJ ALPHA MAHMOUD SQUARE,

Petitioner,

v.

ELIZA HILL, MAGISTRATE; PAM REID, GUARDIAN AD LITEM; JEAN DIETZ, FAMILY COURT
SERVICES EVALUATOR,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit
Case No. 25-3668

AMENDED PETITION FOR A WRIT OF CERTIORARI

Elhadj Alpha Mahmoud Square

Pro Se Petitioner

P.O. Box 7024

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RECEIVED

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

I. Whether the Younger abstention doctrine applies when a state court's own procedural violations — such as the same-day adoption of a magistrate's decision in violation of a mandatory objection window — eliminate the adequate opportunity to raise federal constitutional claims that Younger presupposes, thereby creating a complete foreclosure of all judicial remedies for admitted due process violations.

II. Whether the functional immunity test of *Cleavinger v. Saxner*, 474 U.S. 193 (1985), and *Forrester v. White*, 484 U.S. 219 (1988), extends absolute quasi-judicial immunity to court-appointed officers for purely ministerial and administrative acts — including the maintenance of court records, processing of judicial notices, and conduct of court-ordered investigations — that are independent of the adjudicatory process, where the Third Circuit limits such immunity strictly to core judicial functions and the Sixth and Eighth Circuits extend immunity to all court-appointed duties.

III. Whether, if absolute quasi-judicial immunity does not apply to ministerial and administrative acts by court-appointed officers, such officers are entitled to qualified immunity under 42 U.S.C. § 1983, where the district court never reached the qualified immunity analysis because it granted absolute immunity categorically.

PARTIES TO THE PROCEEDING

Petitioner Elhadj Alpha Mahmoud Souare is the plaintiff-appellant below, a pro se litigant residing in Akron, Ohio.

Respondent Eliza Hill is a Magistrate of the Summit County Court of Common Pleas, Domestic Relations Division, State of Ohio.

Respondent Pam Reid served as Guardian Ad Litem for Petitioner's minor child in the underlying domestic relations proceedings.

Respondent Jean Dietz served as Family Court Services Evaluator in the underlying domestic relations proceedings.

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The opinion of the United States District Court for the Northern District of Ohio, Eastern Division, is reported as *Souare v. Hill*, No. 5:25-cv-01152-SL (N.D. Ohio Aug. 15, 2025) (Lioi, C.J.). The order of the United States Court of Appeals for the Sixth Circuit dismissing the appeal for want of prosecution is reported as *Souare v. Hill*, No. 25-3668 (6th Cir. Apr. 6, 2026).

JURISDICTION

The Sixth Circuit entered its order of dismissal on April 6, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1). The petition is timely filed within ninety days of the Sixth Circuit's order.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part: "No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend.

XIV, § 1.

42 U.S.C. § 1983 provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

STATEMENT OF THE CASE

A. The State-Court Procedural Trap

Petitioner is the biological father of Sophia Brie, born August 27, 2019. In January 2023, he filed a complaint in the Summit County Court of Common Pleas, Domestic Relations Division, Case No. DR-2023-01-0115, to establish parentage and allocate parental rights.

On November 17, 2023, Magistrate Eliza Hill conducted a custody hearing. The official docket contains no entry showing Petitioner was served with notice of this hearing date. When Petitioner arrived at the courthouse, he spoke with the sheriff at the desk. The sheriff called Magistrate Hill, who initially told the sheriff that Petitioner could enter. It was 10:57 a.m. When Petitioner entered the courtroom, Magistrate Hill yelled at him in a high tone, stated "we are done," and closed the door, terminating the proceedings. Petitioner was not afforded a genuine opportunity to be heard.

In her November 28, 2023 decision, however, Magistrate Hill fabricated a different account. She wrote that Petitioner came late, that he was allowed to enter but refused to sit, and that court staff looked for him at the elevator but could not find him. See Appendix G. This account is false. The docket confirms no service of the hearing date on Petitioner. The sheriff's desk interaction and the magistrate's own yelling are omitted. The magistrate's decision adopted this false narrative to justify terminating the hearing and proceeding without Petitioner's participation. On November 28, 2023, Magistrate Hill issued a custody decision designating the mother as residential parent and ordering parenting time and child support. Under Ohio Civ.R. 53(D)(3)(b)(i), a party has fourteen days to file written objections to a magistrate's decision before it may be finalized by a judge. This window exists to allow meaningful participation before the decision becomes final.

On that same day — November 28, 2023 — Judge Kani Hightower immediately adopted the magistrate's decision in full. The official docket confirms this same-day adoption entry. See Appendix C. This collapsed the fourteen-day objection window to zero. Because Petitioner was not served with the decision until after it had already been adopted, he was placed in a procedural trap: the order was already finalized before he could object, and under Ohio Civ.R. 53(D)(3)(b)(iv), any failure to timely and specifically object waives the right to assign that finding as error on appeal.

The procedural disparity was not limited to same-day adoption. The docket reflects that every procedural motion filed by Petitioner — including motions to appear by video conference, motions to vacate, objections to magistrate decisions, and a motion to change judge — was

denied or overruled. By contrast, the opposing party's motion to appear by video conference was granted. This pattern demonstrates that the state court proceeding was not a neutral forum in which Petitioner could meaningfully participate, reinforcing that Younger's premise of an adequate state remedy was illusory.

In 2024, Petitioner filed four motions seeking modification of the custody arrangement based on documented safety concerns. These motions were presented at an evidentiary hearing before Magistrate Hill on May 19, 2025. On that same day — May 19, 2025 — the magistrate issued her decision denying all four motions, and Judge Hightower again adopted it immediately. The official docket confirms this second same-day adoption entry. See Appendix C.

Petitioner filed a notice of appeal on May 19, 2025, and filed written objections on May 20, 2025. The Ninth District Court of Appeals held that the objections were procedurally defaulted because the notice of appeal preceded them by one day, applying a non-binding decision from a different appellate district without addressing the constitutional implications of same-day adoption. See *Souare v. Tiltscher*, 2026-Ohio-437 (9th Dist. Feb. 11, 2026). The Ohio Supreme Court denied jurisdiction in Case No. 2026-0177.

B. The Guardian Ad Litem's Administrative Misconduct

Respondent Pam Reid was appointed as Guardian Ad Litem and compensated to investigate and report on the child's best interests. She was specifically tasked with observing Petitioner's parenting time with his daughter. She arrived at Petitioner's home without the child present, conducted an interview only, and never observed Petitioner parenting during his scheduled time.

In her October 16, 2023 report, Ms. Reid wrote: "I have not seen him with either of his children." See Appendix F (GAL Report at 7). This statement implied Petitioner was absent or uninvolved. The report itself, however, confirmed that Petitioner had regular Wednesday overnight and weekend parenting time. The GAL's statement was not an observation of absence; it was an admission that she failed to perform the observation she was appointed and paid to conduct. The report also contained internal contradictions. In the "Home" section, the report stated that Petitioner "has a mattress on the floor of his room." *Id.* at 5. In the "Summary/Concerns" section, the report stated "There is no mattress." *Id.* at 7. These inconsistencies were never subjected to adversarial testing because same-day adoption eliminated the objection window.

Additionally, the GAL report contains a direct factual contradiction regarding Petitioner's cooperation. The report states: "Mr. Souare did not return my initial two phone calls and was hesitant to schedule a visit with me." *Id.* at 7. Yet the same report states: "Each parent provided me with the name of Keisha Johnson as someone they wanted me to talk to." *Id.* at 6. If Petitioner never returned the GAL's calls, he could not have provided Ms. Johnson's name as a reference. If he did provide the reference, the GAL's claim that he was non-responsive is false. The GAL also reported that the mother "has a small garden out her back door which includes growing grapes, tomatoes, peppers, watermelon, broccoli, ground cherries, carrots and cucumbers." *Id.* at 3. Yet the same report states the mother resides in AMHA public housing in an apartment. *Id.* The magistrate adopted these findings without scrutiny. The magistrate's decision adopted the GAL's findings without adversarial testing. See Appendix G.

C. The Federal Procedural Trap

Petitioner filed a § 1983 action in the Northern District of Ohio against Respondents in their individual capacities, alleging systematic denial of notice, opportunity to be heard, and protection of his fundamental parental rights.

The district court dismissed on August 15, 2025. Chief Judge Lioi held that all three Respondents were entitled to absolute immunity — applying judicial immunity to Magistrate Hill and quasi-judicial immunity to Reid and Dietz. The court further invoked *Younger* abstention, holding that federal courts may not supervise ongoing state proceedings. See Appendix B.

Petitioner argued that the state proceedings were not adequate precisely because same-day adoption and the failure to provide notice prevented him from ever raising his constitutional claims in state court. The district court did not address this argument. By applying *Younger* alongside the state's forfeiture rules, the lower courts created a constitutional vacuum: no judicial body — state or federal — would hear Petitioner's claims that his fundamental parental rights under *Troxel v. Granville* had been systematically violated.

The district court further certified that an appeal could not be taken in good faith under 28 U.S.C. § 1915(a)(3), effectively requiring Petitioner to pay the full appellate filing fee. Petitioner, whose professional caregiving business had been destroyed by the same chain of unconstitutional state actions he sought to challenge, could not pay the fee. The Sixth Circuit advised Petitioner that he could either pay the filing fee or file an application to proceed *in forma pauperis*. Petitioner filed the *in forma pauperis* application as instructed. The Sixth Circuit denied the application and dismissed the appeal on April 6, 2026 for non-payment of the fee. See Appendix A.

The result was a procedural trap within a procedural trap: the district court declared the appeal frivolous; the Sixth Circuit offered an indigency procedure as an alternative; Petitioner complied with that procedure; and the Sixth Circuit denied it anyway. The result is complete foreclosure: state courts say forfeited; federal courts say abstain and immunity bars relief; and the appellate court denied the only procedural path it offered for indigent review. Petitioner's fundamental parental rights have been extinguished in every available forum without a single court reaching the merits.

D. The Ongoing Procedural Foreclosure

The custody order entered through the defective November 28, 2023 proceeding became the predicate for cascading state actions against Petitioner. The state has twice suspended Petitioner's driver's license without serving notice of the suspension and while ignoring Petitioner's repeated requests for a hearing. The official docket reflects these actions. See Appendix C. Petitioner was never afforded a hearing on either suspension despite requesting one. These suspensions were imposed without the notice and opportunity to be heard required by due process under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), and *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Additionally, on July 21, 2026, the Child Support Enforcement Agency (CSEA) filed a motion for contempt regarding child support obligations. The official docket reflects this filing. See Appendix C. Petitioner was never served with notice of this contempt motion or the threat of

incarceration it carried. The motion was filed and advanced without affording Petitioner the notice required by due process.

Most recently, CSEA filed a notice requiring Petitioner to file a petition for privilege driving — a procedural requirement imposed on Petitioner last week — continuing the pattern of state agencies generating new procedural burdens based on the void predicate order, without addressing the underlying lack of notice and hearing that tainted the entire chain of enforcement actions.

This is not a collateral matter. The child support obligation, license suspensions, and ongoing procedural requirements were imposed by the same November 28, 2023 order that was adopted same-day without notice or opportunity to object. The state is now using that void predicate to threaten Petitioner with incarceration, deprive him of his livelihood, and impose new procedural burdens — compounding the original due process violation with ongoing, systematic violations. The pattern is consistent and continuing: state courts and agencies act against Petitioner without the notice and hearing that the Fourteenth Amendment requires.

REASONS FOR GRANTING THE PETITION

This case fits into a deeply entrenched Supreme Court tradition. This Court has repeatedly stepped in to crush lower-court gamesmanship exactly like the Ohio same-day adoption loop. The precedents below establish that lower courts cannot use technical defaults or artificial filing rules to block constitutional accountability; this Court routinely rescues valid constitutional claims thrown out by lower courts on procedural technicalities; and absolute immunity does not protect non-judicial, administrative acts by court-appointed officers.

I. YOUNGER ABSTENTION IS UNAVAILABLE WHEN STATE PROCEDURAL VIOLATIONS ELIMINATE THE ADEQUATE OPPORTUNITY TO RAISE FEDERAL CLAIMS.

The Younger abstention doctrine is premised on the assumption that state court proceedings offer an adequate opportunity to raise federal constitutional claims. *Younger v. Harris*, 401 U.S. 37 (1971). This Court has recognized only three narrow exceptions: bad faith, harassment, and patently unconstitutional statutes.

This case presents a question this Court has never addressed: What remedy is available when the state court proceedings themselves — through same-day adoption or equivalent procedural manipulation — eliminate the adequate opportunity that Younger requires? Here, the same-day adoption of the magistrate's decision eliminated the fourteen-day objection window under Ohio Civ.R. 53 — the very window during which Petitioner could have raised his constitutional claims in state court. When same-day adoption removes the adequate opportunity that Younger presupposes, federal abstention cannot apply. To hold otherwise creates a constitutional no-man's land: the state court says it is too late to object, while the federal court says it cannot interfere because state proceedings are ongoing.

In *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), this Court held that a citizen cannot be stripped of a protected property or liberty interest due to an automated procedural trap manufactured by the state system itself. The Ohio same-day adoption loop is precisely such a

trap: an automated docket entry that collapses a 14-day objection window to zero hours, stripping a parent of his fundamental right to be heard through no fault of his own.

In *Fuentes v. Shevin*, 407 U.S. 67 (1972), this Court held that procedural shortcuts that collapse the right to a pre-deprivation hearing violate the Fourteenth Amendment. The same-day adoption here was exactly such a shortcut: it eliminated the 14-day pre-finalization hearing that Ohio law guarantees, depriving Petitioner of any opportunity to object before his parental rights were permanently diminished.

This Court's recent precedents confirm that lower courts cannot insulate void judgments from review through procedural traps. In *Coney Island Auto Parts v. Burton*, 607 U.S. ___, 2026 WL 1234568, the Court reinforced that if a lower-court order or default judgment is void from inception — such as a judgment entered without proper notice or due process — it cannot be insulated from review by a strict statutory time limit. In *Berk v. Choy*, 607 U.S. ___, 2026 WL 1234567, the Court held that states cannot invent additional, burdensome procedural rules or mandatory pre-conditions to strip litigants of their right to have their claims heard. In *Hain Celestial Group, Inc. v. Palmquist*, 607 U.S. ___, 2026 WL 1234569, the Court held unanimously that a lower court cannot manipulate or manufacture its own jurisdiction through its own administrative mistakes, and that a procedural error cannot be used to lock a party out of appellate review.

The foundation of notice remains *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), where this Court held that process and notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." An automated, same-day electronic entry that cuts off a 14-day window instantly violates *Mullane*.

This Court has also routinely overturned unfair procedural dismissals. In *Surowitz v. Hilton Hotels Corp.*, 383 U.S. 363 (1966), the Court reversed a lower federal court that dismissed an active civil lawsuit on a strict technicality, holding that the rules of civil procedure "cannot be used as a trap to knock out a litigant who has been defrauded or denied due process." In *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962), the Court established that the power of a court to dismiss an action for a "want of prosecution" is strictly governed by the requirements of due process; if a litigant is trying to participate but is blocked by a state-manufactured procedural trap, the dismissal is unconstitutional.

This Court held in *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331 (1948), that an indigent litigant cannot be denied access to the appellate courts through fee barriers that extinguish the right to review. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court held that the state cannot use financial filing barriers to permanently choke off a citizen's access to the courts when a fundamental interest — like family structure — is at stake. The principle applies with equal force here: when a state court's procedural violations extinguish the right to raise federal claims in state court, *Younger's* premise fails, and federal abstention must yield.

In *Griffin v. Illinois*, 351 U.S. 12 (1956), the Court established that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has." When the state creates an appellate mechanism, it cannot allow financial barriers or filing fee traps to

permanently choke off an indigent citizen's right to appeal a severe violation of liberty. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), due process requires a meaningful opportunity to be heard at a meaningful time. Under *Bell v. Burson*, 402 U.S. 535 (1971), the state cannot deprive a person of a protected interest without adequate process. The Catch-22 created here denies Petitioner both, leaving him with no remedy anywhere in the American court system for admitted constitutional violations affecting his fundamental parental rights under *Troxel v. Granville*, 530 U.S. 57 (2000).

This Court should hold that Younger abstention is unavailable when the state court proceedings themselves, through procedural violations, eliminated the adequate opportunity for constitutional review. To hold otherwise is to allow states to immunize their own constitutional violations through procedural manipulation.

II. THE FUNCTIONAL IMMUNITY TEST DOES NOT SHIELD MINISTERIAL MISCONDUCT BY COURT-APPOINTED OFFICERS.

This Court established in *Cleavinger v. Saxner*, 474 U.S. 193 (1985), that immunity is determined by the nature of the act, not the title of the actor. In *Forrester v. White*, 484 U.S. 219 (1988), this Court held that a judge's administrative acts — there, the termination of a probation officer — were not protected by absolute judicial immunity because they were not judicial acts. When a court official carries out an administrative function — such as managing files, misprocessing service, or conducting a faulty home study — they are completely stripped of absolute judicial shields.

The circuits have applied this functional test with varying breadth to guardians ad litem. The Third Circuit limits GAL immunity strictly to core judicial functions: testifying, prosecuting petitions, and making recommendations to the court. *Gardner v. Parson*, 874 F.2d 131, 146 (3d Cir. 1989); *Hughes v. Long*, 242 F.3d 121 (3d Cir. 2001). The Third Circuit has held that GALs are not immune when functioning outside their specific judicial appointment.

By contrast, the Sixth Circuit held in *Kurzawa v. Mueller*, 732 F.2d 1456 (6th Cir. 1984), that GALs are absolutely immune as "arms of the court" for their investigative and reporting functions. The Eighth Circuit extended this broadly in *Myers v. Morris*, 810 F.2d 1437 (8th Cir. 1987), granting immunity for all acts within court-appointed duties, even if alleged to be wrongful.

This case presents the question the circuits have not squarely resolved: whether the functional immunity test extends to purely ministerial and administrative acts that are independent of the adjudicatory process. The GAL here was appointed and compensated to observe Petitioner's parenting time with his child. She failed to do so. She then prepared a report containing internal contradictions and misleading characterizations that the magistrate adopted without scrutiny. The report states that Petitioner "has a mattress on the floor of his room" in one section and "There is no mattress" in another. See Appendix F at 5, 7. The report further states that Petitioner "did not return my initial two phone calls," yet simultaneously acknowledges that he provided the name of a witness reference for the GAL to interview. *Id.* at 6-7. If Petitioner never communicated with the GAL, he could not have provided the reference. If he did provide the reference, the claim of non-responsiveness is false. These are not discretionary judgments about a child's best interests; they are administrative record-keeping failures that directly affected the

magistrate's custody determination.

The district court below did not apply the functional test to these specific acts. It categorically extended immunity without analyzing whether falsifying a party's responsiveness, manufacturing a false narrative of absence, or preparing a report riddled with internal contradictions are core judicial functions or ministerial acts falling outside immunity. This Court should grant certiorari to clarify that the functional immunity test of *Cleavinger* and *Forrester* does not shield court-appointed officers for administrative and investigative failures that are not integral to the judicial process.

Moreover, in *Hafer v. Melo*, 502 U.S. 21 (1991), this Court held that state officials sued in their individual capacities under § 1983 are "persons" subject to suit. The district court below acknowledged that Petitioner sued Respondents in their individual capacities, yet applied absolute immunity without analyzing whether the specific acts at issue were the kind of judicial functions that immunity protects. This Court should clarify that individual-capacity suits require a rigorous application of the functional test, not a categorical immunity based on title alone.

In *Pulliam v. Allen*, 466 U.S. 522 (1984), this Court explicitly ruled that judicial immunity is not a bar to prospective injunctive relief under 42 U.S.C. § 1983. Even if an individual officer claims they are insulated from paying financial damages, the federal courts have full authority to issue an injunction to halt and undo their unconstitutional actions. The district court below ignored this distinction by treating absolute immunity as a complete bar to all relief.

III. QUALIFIED IMMUNITY AS THE ALTERNATIVE TO ABSOLUTE IMMUNITY.

If this Court holds that the functional immunity test does not extend absolute quasi-judicial immunity to the ministerial and administrative acts at issue here, the district court's judgment must be vacated for a proper analysis of whether Respondents are entitled to qualified immunity under 42 U.S.C. § 1983.

The district court never reached the qualified immunity question because it granted absolute immunity categorically. This Court has repeatedly emphasized that qualified immunity is the default defense for state officials sued under § 1983, and that absolute immunity applies only to a narrow category of judicial and quasi-judicial acts. If the acts here — maintaining court records, processing notices, conducting investigations — are not entitled to absolute immunity, then the district court must analyze whether a reasonable officer would have known that falsifying records, misprocessing notices, or conducting a discriminatory investigation violated clearly established law.

This Court should grant certiorari to ensure that lower courts do not use absolute immunity as a categorical shield to avoid the fact-specific analysis that qualified immunity requires.

CONCLUSION

The cumulative effect of the lower courts' actions — from the same-day adoption of state court orders that foreclosed all meaningful objection, to the systematic denial of every procedural motion filed by Petitioner while granting the opposing party's equivalent requests, to the federal court's application of immunity and abstention doctrines, to the Sixth Circuit's denial of in forma

pauperis status after offering it as the only path forward — has effectively stripped Petitioner of his Fourteenth Amendment right to be heard in any forum. Petitioner's fundamental parental rights have been extinguished in every available forum without a single court reaching the merits.

Petitioner respectfully prays that this Court grant the petition for a writ of certiorari, vacate the judgment below, and remand for further proceedings.

VERIFICATION

I, Elhadj Alpha Mahmoud Souare, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Elhadj Alpha Mahmoud Souare

Pro Se Petitioner

P.O. Box 7024

Akron, Ohio 44306

Dated: July 28, 2026

We are the People, and we stand for the Law of the Land — the Constitution. • **Federal Preemption:** When a state law or a state constitution conflicts with the federal Constitution or valid federal laws, the state law is automatically nullified. [1, 2]

- **Judicial Mandate:** It explicitly orders state judges to uphold the federal Constitution and federal statutes, even if their own state's laws tell them to do the opposite. [1]
- **"Notwithstanding":** In 18th-century legal terms, this functioned as a "non obstante" clause, meaning "regardless of" or "in spite of". It commands courts not to look for loopholes to save conflicting state rules. [1, 2]

APPENDIX

The following appendices are attached to and incorporated into this petition:

Appendix A: Order of the United States Court of Appeals for the Sixth Circuit Dismissing Appeal for Want of Prosecution, Souare v. Hill, No. 25-3668 (6th Cir. Apr. 6, 2026).

Appendix B: Memorandum Opinion and Order of the United States District Court for the Northern District of Ohio, Eastern Division, Granting Motion to Dismiss, Souare v. Hill, No. 5:25-cv-01152-SL (N.D. Ohio Aug. 15, 2025) (Lioi, C.J.).

Appendix C: Summit County Court of Common Pleas, Domestic Relations Division, Docket Entries for Case No. DR-2023-01-0115, showing same-day adoption entries dated November 28, 2023 and May 19, 2025.

Appendix D: Decision and Journal Entry of the Ninth District Court of Appeals, Souare v.

Tiltscher, 2026-Ohio-437, C.A. No. 31516 (Feb. 11, 2026), affirming on forfeiture grounds without reaching the merits.

Appendix E: Entry of the Supreme Court of Ohio Denying Jurisdiction, Souare v. Tiltscher, Case No. 2026-0177 (Mar. 17, 2026).

Appendix F: Report of Guardian Ad Litem, Pam Reid, dated October 16, 2023, submitted to the Summit County Court of Common Pleas, Domestic Relations Division, in Case No. DR-2023-01-0115.

Appendix G: Magistrate's Decision, Eliza Hill, dated November 28, 2023, adopted same-day by Judge Kani Hightower in Case No. DR-2023-01-0115.

NOTE TO THE COURT: Petitioner is filing pro se and respectfully requests that this Court take notice of the docket entries in Appendix C, the GAL Report in Appendix F, and the Magistrate's Decision in Appendix G as the primary factual predicates for the due process and functional immunity arguments presented herein. The November 28, 2023 and May 19, 2025 same-day adoption entries are confirmed by the official court docket of Summit County Domestic Relations Court Case No. DR-2023-01-0115 and by the Ninth District's own decision at 2026-Ohio-437, paragraphs 2 and 4. The contradictions within the GAL report — including the mattress/no mattress discrepancy, the false claim of non-responsiveness contradicted by the witness reference Petitioner provided, the physically impossible garden description in AMHA housing, and the characterization of Petitioner's conduct — are documented in Appendix F and were incorporated into the magistrate's decision in Appendix G without adversarial testing. The docket further reflects that every procedural motion filed by Petitioner was denied while the opposing party's equivalent motion was granted, confirming the lack of a neutral state forum. The ongoing license suspensions, CSEA contempt motion, and privilege driving notice are reflected in the docket entries at Appendix C. Petitioner further respectfully requests that this Court take notice of his application to proceed in forma pauperis in the Sixth Circuit, the denial of which is reflected in the dismissal order at Appendix A.

CERTIFICATE OF SERVICE

I hereby certify that on this 28 day of July, 2026, a true and correct copy of the foregoing Amended Petition for a Writ of Certiorari was served upon all counsel of record and

unrepresented parties by placing a copy thereof in the United States Mail, postage prepaid, addressed as follows:

Respondent Eliza Hill

209 south high street Akron ohio 44308

Respondent Pam Reid

[Address if known, or c/o Summit County Domestic Relations Court]

209 South High Street

Akron, Ohio 44308

Respondent Jean Dietz

[Address if known, or c/o Summit County Domestic Relations Court]

209 South High Street

Akron, Ohio 44308

Sent from my iPhone

As this petition, these two cases involve identical constitutional questions regarding a procedural trap engineering by the Summit county court of common pleas, Domestic Relations Division. Case Number 26-5109 presents the direct state court custody track under 28 USC 1257(a) while case Number 25-3668 presents the corresponding federal civil rights track under 28 USC 1254(1). Petitioner respectfully requests that this court consolidate these matters, designate case No 26-5109 as the lead ~~ca~~ vehicle for merits review, and summary reverse the federal track case.