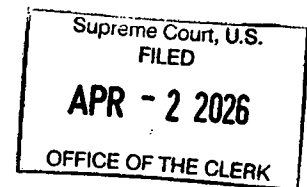


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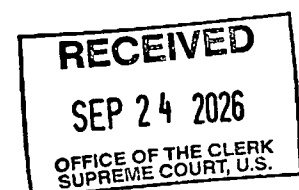
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No. _____



ELHADJ ALPHA MAHMOUD SQUARE,
Petitioner,
v.
SUMMIT COUNTY, OHIO,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO
THE
UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI



QUESTIONS PRESENTED

1. Whether Ohio R.C. § 3123.55(A)—which mandates driver's license suspension without pre-deprivation notice or hearing—violates the Procedural Due Process Clause of the Fourteenth Amendment under *Bell v. Burson*, 402 U.S. 535 (1971), and whether the Fourth Circuit's decision in *Stinnie v. Holcomb*, 55 F.4th 951 (4th Cir. 2022) (en banc), or the Sixth Circuit's decision in *Fowler v. Benson*, 924 F.3d 247 (6th Cir. 2019), controls.
2. Whether a government official's refusal to release core public records, accompanied by the use of law enforcement officers to forcibly eject a citizen seeking to inspect administrative files regarding an erroneous license suspension, constitutes impermissible First Amendment retaliation under 42 U.S.C. § 1983 and a total failure of procedural due process.
3. Whether this Court should grant full plenary review—or, in the alternative, summary reversal—where the underlying administrative license suspension shares the exact same core state agency record (Ohio Bureau of Motor Vehicles) and written admissions of administrative error across parallel state proceedings, yet remains uncorrected due to procedural bar.
4. Whether a district court's certification under 28 U.S.C. § 1915(a)(3), combined with an appellate filing fee, may permanently foreclose an indigent civil-rights litigant's access to appellate review of an admitted constitutional

error, particularly where the dismissal operates with prejudice to permanently bar the claim.

5. Whether a government entity's formal notice of administrative error moots an ongoing due process challenge where the entity continues parallel enforcement actions under the identical core administrative record, resolving the split between the Ninth/D.C. Circuits and the Fifth/Eleventh Circuits under *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs.*, 528 U.S. 167 (2000).
6. Whether this Court should accept the supplemental statement and newly arising evidence—including post-filing administrative notices, state court orders, and documentation of public records refusals—to establish that the controversy remains live and to prevent a total failure of judicial review.

LIST OF PARTIES AND DIRECT RELATED CASES

Petitioner: Elhadj Alpha Mahmoud Souare (Pro Se)

Respondent: Summit County, Ohio

Related Proceedings:

Elhadj Alpha Mahmoud Souare v. Summit County, Ohio,
No. 25-3653 (U.S. Court of Appeals for the Sixth
Circuit) — Order of Dismissal entered March 30, 2026.

Elhadj Alpha Mahmoud Souare v. Summit County, Ohio,
District Court Case No. 5:24-cv-02100 (U.S. District
Court for the Northern District of Ohio).

*Elhadj Alpha Mahmoud Souare v. Ohio Bureau of Motor
Vehicles / State of Ohio*, Court of Claims Case Nos.
2026-00139JD and 2026-00140JD (Parallel State
Proceedings involving the identical core BMV
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Griffin v. Illinois, 351 U.S. 12 (1956)
Hartman v. Moore, 547 U.S. 250 (2006)
Mathews v. Eldridge, 424 U.S. 319 (1976)
M.L.B. v. S.L.J., 519 U.S. 102 (1996)
Owens v. Keeling, 461 F.3d 763 (6th Cir. 2006)
Rolland v. Primesource Staffing, 497 F.3d 1077 (10th Cir. 2007)
Stinnie v. Holcomb, 55 F.4th 951 (4th Cir. 2022) (en banc)
United States v. W.T. Grant Co., 345 U.S. 629 (1953)

Constitutional Provisions & Statutes

U.S. Const. amend. I
U.S. Const. amend. XIV, § 1
28 U.S.C. § 1254(1)
28 U.S.C. § 1915(a)(3)
42 U.S.C. § 1983
Ohio Revised Code § 3123.55(A)

OPINIONS BELOW

The order of the United States Court of Appeals for the Sixth Circuit dismissing the appeal in Case No. 25-3653 (March 30, 2026) is unreported and reproduced at **App.**

A.

The memorandum opinion and order of the United States District Court for the Northern District of Ohio is unreported and reproduced at **App. B.**

JURISDICTION

The order of the United States Court of Appeals for the Sixth Circuit dismissing the appeal was entered on March 30, 2026. The jurisdiction of this Court is invoked under **28 U.S.C. § 1254(1)**.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. First Amendment, United States Constitution:

"Congress shall make no law... abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

2. Fourteenth Amendment, Section 1, United States Constitution:

"...nor shall any State 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."

3. 28 U.S.C. § 1915(a)(3):

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."

STATEMENT OF THE CASE

A. Overview and Shared Core BMV Record

This case involves an ongoing, unconstitutional deprivation of property and liberty arising from the shared, core administrative record of the Ohio Bureau of Motor Vehicles (BMV) and Respondent Summit County through its Child Support Enforcement Agency (CSEA). Under Ohio R.C. § 3123.55(A), driver's license suspensions are transmitted directly to the Ohio BMV and executed automatically without pre-deprivation notice or an opportunity to be heard. Crucially, the erroneous suspension at issue in this federal petition rests on the exact same core BMV records and SETS tracking number (SETS No. 7123067527) involved in parallel state court proceedings against state entities (*Court of Claims Case Nos. 2026-00139JD & 2026-00140JD*). Despite written admissions from the Ohio Attorney General's Office and Senior Assistant Attorneys General representing the Ohio BMV confirming that the underlying suspension was transmitted in error (App. D, App. E),

Respondent Summit County has continued enforcement actions based on those identical BMV records.

B. The Seven-Act Chronology of Government Defiance and Retaliation

The record establishes an unbroken seven-act pattern demonstrating that the underlying constitutional violation has neither ceased nor been cured:

1. **Act I (December 10, 2024):** Respondent and the Ohio BMV executed an automatic driver's license suspension under Ohio R.C. § 3123.55(A) without pre-deprivation notice or hearing, instantly shutting down Petitioner's licensed caregiving business.
2. **Act II (February 10, 2026):** Summit County CSEA issued a formal *Notice of Correction*, admitting in writing that the December 10, 2024 suspension submitted to the BMV was made in error (App. C).
3. **Act III (May 13, 2026):** Despite the admitted error, CSEA issued an *Advance Notice* threatening a second suspension under the identical core BMV/SETS case number.
4. **Act IV (June 15, 2026):** Respondent re-executed the driver's license suspension with the Ohio BMV against Petitioner, re-imposing the identical property deprivation while federal proceedings were pending.
5. **Act V (July 21, 2026):** The Summit County Prosecutor's Office obtained an *Order to Appear and Show Cause* (Case No. 2023-01-0115), commanding Petitioner to appear on September 1, 2026, to show cause why he should not be incarcerated for nonpayment of support—a

nonpayment directly caused by the state's unconstitutional destruction of his income (App. F).

6. Act VI (Retaliatory Ejection and Evidence

Suppression): When Petitioner personally attempted to obtain and inspect the official administrative files and dockets regarding the erroneous suspension directly from the agency, government officials refused to process the records request and deployed local sheriff deputies to forcibly eject Petitioner from the building under threat of arrest, demonstrating direct retaliation and active concealment of public evidence (App. G).

7. Act VII (March 30, 2026): The Sixth Circuit dismissed Petitioner's appeal for failure to pay the \$605 docketing fee following a § 1915(a)(3) certification.

C. Request to Consider Supplemental Statement and Evidence

Petitioner respectfully requests that this Court receive and consider the supplemental statement and newly arising evidence appended hereto (including the post-filing Show Cause Order, state Court of Claims written admissions, and public record ejection records). Because these events occurred after lower court record deadlines or arose directly from ongoing enforcement under the identical BMV record, consideration of this supplemental evidence is essential under Supreme Court Rule 15.8 to evaluate mootness, voluntary cessation, and the continuing, live nature of the controversy.

REASONS FOR GRANTING THE PETITION

I. Plenary Review or Summary Reversal Is Warranted for Summit County and the Shared BMV Record

Petitioner respectfully requests that this Court grant full plenary review of the decisions below or, in the alternative, issue a summary reversal as to Respondent Summit County, Ohio, and the underlying Ohio Bureau of Motor Vehicles (BMV) administrative suspension framework.

Summary reversal is uniquely appropriate here because the liability determination does not turn on disputed facts. The record contains explicit, written admissions from governmental authorities acknowledging that the core BMV suspension was issued without legal or factual basis. Where a state agency admits administrative error in writing yet local enforcement authorities continue to leverage that erroneous record to suspend licenses, seek incarceration, and actively suppress records, summary reversal is necessary to enforce basic procedural due process under *Bell v. Burson*, 402 U.S. 535 (1971).

II. First Amendment Retaliation and Administrative Evidence Suppression

Respondent's deployment of law enforcement officers to eject Petitioner when attempting to inspect or obtain public administrative records regarding his case constitutes an independent, actionable violation of the First Amendment under 42 U.S.C. § 1983 (*Hartman v. Moore*, 547 U.S. 250 (2006)).

Requesting government records to defend against an ongoing property deprivation is constitutionally protected activity under the First Amendment Right to Petition. When state

actors respond to lawful record requests by deploying law enforcement to intimidate, remove, or threaten a citizen, it chills constitutional rights and deliberately prevents the litigant from compiling the full factual record necessary for judicial review.

III. The Circuit Split on Voluntary Cessation and Mootness in Government Enforcement Actions

A deep and persistent circuit split exists regarding the standard for evaluating voluntary cessation and mootness when a state agency admits administrative error but continues parallel enforcement actions:

The Ninth and D.C. Circuits hold under *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000), that when a government entity voluntarily corrects or rescinds an unconstitutional administrative action during litigation, it bears a heavy, stringent burden to demonstrate that the wrong cannot reasonably be expected to recur before a court may declare the action moot.

The Fifth and Eleventh Circuits afford broad deference to governmental declarations of administrative correction, frequently holding that an agency's formal notice of error moots underlying injunctive and due process claims unless the plaintiff proves explicit bad faith.

This split is outcome-determinative in Petitioner's case. Summit County CSEA issued a formal *Notice of Correction* acknowledging error (App. C), yet subsequently re-executed the identical suspension under the shared BMV record, initiated Show Cause contempt proceedings (App. F),

and utilized law enforcement to eject Petitioner when requesting documentation (App. G). Under the Ninth and D.C. Circuit rule, the controversy remains live and justiciable.

IV. The Fourth-Sixth Circuit Split on Debt-Based License Suspensions Under *Bell v. Burson*

A direct conflict exists between the Fourth and Sixth Circuits regarding whether automatic driver's license suspension schemes violate procedural due process under *Bell v. Burson*, 402 U.S. 535 (1971):

In *Stinnie v. Holcomb*, 55 F.4th 951 (4th Cir. 2022) (en banc), the Fourth Circuit held that automatic debt-based license suspensions without pre-deprivation notice, an opportunity to be heard, and an inquiry into ability to pay violate procedural due process under the Fourteenth Amendment.

In *Fowler v. Benson*, 924 F.3d 247 (6th Cir. 2019), the Sixth Circuit held that automatic debt-based driver's license suspensions do not violate procedural due process if the underlying state statutory scheme provides no statutory exception for indigency.

V. The Circuit Split on 28 U.S.C. § 1915(a)(3) Certifications and Appellate Access

The federal courts of appeals are sharply divided on the procedural impact of a district court's § 1915(a)(3) "not in good faith" certification:

The Fifth Circuit (*Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997)) treats a § 1915(a)(3) certification as a reviewable determination under Fed. R. App. P. 24(a),

providing indigent litigants a meaningful motion procedure to challenge the certification before the appellate court.

The Sixth Circuit (*Owens v. Keeling*, 461 F.3d 763 (6th Cir. 2006)) and The Tenth Circuit (*Rolland v. Primesource Staffing*, 497 F.3d 1077 (10th Cir. 2007)) apply rigid procedural hurdles that treat the certification as a presumptive barrier, which—when combined with appellate filing fee deadlines—functions to insulate lower court decisions from appellate review.

VI. The *Griffin* / *M.L.B.* Wealth-Based Causation Loop

This case illustrates a self-reinforcing causation loop prohibited by *Griffin v. Illinois*, 351 U.S. 12 (1956), and *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996). Respondent unlawfully suspended Petitioner's driver's license without due process. That suspension destroyed his licensed business, rendering him indigent. The courts then cited that very poverty—and the resulting inability to pay the \$605 docketing fee—to dismiss his constitutional challenge. A state cannot use a financial barrier to insulate an admitted constitutional error from judicial review when the state's own unlawful conduct caused the financial hardship.

VII. The Absolute Bar of Dismissal With Prejudice Requires Review

Because the lower court's procedural disposition effectively operates as a dismissal with prejudice, Petitioner is permanently barred from refileing or obtaining judicial review of an admitted constitutional violation in any forum. When a procedural default or fee dismissal permanently closes the

courthouse doors on a claim where the government has conceded error in writing, it transforms a procedural rule into an unconstitutional bar to justice. This Court's review is the sole remaining avenue to prevent a permanent deprivation of due process.

VIII. This Case Is the Ideal Vehicle for Review

This petition presents an optimal vehicle for addressing these questions:

Uncontradicted Shared Record: Respondent and the Ohio BMV share the identical administrative record containing written admissions that the underlying suspension was issued in error.

No Factual Disputes: The liability issues turn entirely on pure questions of law under *Bell v. Burson*, the First Amendment, and the Fourteenth Amendment.

Ongoing Live Controversy: The execution of the second suspension, the Show Cause Order, and the forcible removal during records requests prove that the controversy remains active under *United States v. W.T. Grant Co.*, 345 U.S. 629 (1953), and *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs.*, 528 U.S. 167 (2000).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for a Writ of Certiorari to conduct full plenary review of the decisions below; or
2. Intervene to grant summary reversal as to Respondent Summit County, Ohio, and the underlying core Ohio BMV license suspension framework; and

3. Grant leave to receive and consider the supplemental statement and newly arising evidence submitted in support of this Petition.



Respectfully submitted,

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P.O. Box 7024

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Petitioner, Pro Se

CERTIFICATE OF SERVICE

I, Elhadj Alpha Mahmoud Souare, do swear or affirm that on this 14 day of September, 2026, as required by Supreme Court Rule 29, I served the enclosed **PETITION FOR A WRIT OF CERTIORARI** on each party to the proceeding by depositing an envelope containing the document in the United States mail, first-class postage prepaid, via Certified Mail, Return Receipt Requested, addressed to:

1. Counsel for Respondent Summit County, Ohio:

Summit County Prosecutor's Office, Civil Division

53 University Avenue, 6th Floor

Akron, Ohio 44308

2. Solicitor General of the State of Ohio:

Ohio Attorney General's Office

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on September 14th, 2026.

Elhadj Alpha Mahmoud Souare

P.O. Box 7024, Akron, Ohio 44306

Petitioner, Pro Se

APPENDIX INDEX

Appendix A: Sixth Circuit Order of Dismissal (Case No. 25-3653)

Appendix B: District Court Order / Judgment

Appendix C: Summit County CSEA Notice of Correction (Feb. 10, 2026)

Appendix D: Ohio BMV Senior Assistant Attorney General Written Confirmation / Parallel State Court Filings

Appendix E: Court of Claims Written Admissions (Case Nos. 2026-00139JD & 2026-00140JD)

Appendix F: Summit County Domestic Relations Order to Appear & Show Cause (July 21, 2026)

Appendix G: Documentation of Administrative Record Request Refusal and Retaliatory Law Enforcement Ejection Incident