

No. 25-3603

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Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

ELHADJ ALPHA MAHMOUD SQUARE,
Petitioner,

v.

OHIO BUREAU OF MOTOR VEHICLES, ET AL.,
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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Petitioner, Pro Se

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QUESTIONS PRESENTED

1. Whether the Sixth Circuit's decision upholding Ohio's automatic driver's license suspension scheme under R.C. §§ 3123.55(A), 3123.58, and 3123.60—which mandates suspension without pre-deprivation notice or hearing and expressly prohibits the state agency from granting any appeal—conflicts with this Court's holding in *Bell v. Burson*, 402 U.S. 535 (1971), and deepens an explicit Circuit split with the Fourth Circuit's en banc decision in *Stinnie v. Holcomb*, 55 F.4th 951 (4th Cir. 2022).
2. Whether the lower courts erred in dismissing Petitioner's claims **WITH PREJUDICE** on procedural and immunity grounds, where the dismissal permanently forecloses all judicial remedies under principles of res judicata and claim preclusion, despite written, sworn admissions by state respondents that the underlying suspension was factually baseless and executed without due process.
3. Whether a state motor vehicle agency is immune from suit under the Eleventh Amendment when enforcing a concededly unconstitutional statutory scheme, where the agency's own sworn admissions establish that it suspends licenses prior to notice through a purely mechanical, non-discretionary act.
4. Whether a district court's blanket, non-individualized certification under 28 U.S.C. § 1915(a)(3) across multiple actions by an indigent pro se litigant conflicts with *Coppedge v. United States*, 369 U.S. 438 (1962), and violates *Griffin v. Illinois*, 351 U.S. 12 (1956), and *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), by creating an impenetrable procedural barrier to appellate review.

5. Whether a state agency's repeated imposition of license suspensions following written admissions of error and non-responses to statutory hearing requests constitutes a pattern of deliberate constitutional defiance warranting this Court's supervisory intervention.

LIST OF ALL PARTIES

Petitioner:

Elhadj Alpha Mahmoud Souare

Respondents:

Ohio Bureau of Motor Vehicles

Director Charles L. Norman, in his official capacity

Chief Jeff Payne, in his official and individual capacities

John Does, 1–5

Additional governmental entities whose conduct is at issue:

Summit County Child Support Enforcement Agency (CSEA)

Ohio Department of Developmental Disabilities (DODD)

Ohio Department of Job and Family Services (ODJFS)

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Petitioner is a natural person proceeding pro se. No corporate disclosure statement is required.

LIST OF DIRECTLY RELATED PROCEEDINGS

UNITED STATES SUPREME COURT:

1. Souare v. Akron Children's Hospital, No. 25-1011 (certiorari pending).
2. Souare v. Summit County, Ohio, No. 25-3653 (6th Cir. dismissed Mar. 30, 2026; certiorari pending).
3. Souare v. Hill, Reid, and Dietz, No. 25-1012 (certiorari pending).

FEDERAL DISTRICT COURT AND COURT OF APPEALS:

4. Souare v. Ohio Bureau of Motor Vehicles, No. 5:25-cv-00564-BMB, N.D. Ohio (Judge Baxter) (dismissed WITH PREJUDICE March 11, 2026); Sixth Circuit affirmed Mar. 11, 2026 (Case No. 25-3603).

5. Souare v. Summit County, No. 5:25-cv-01209-JRA, N.D. Ohio (Judge Adams) (dismissed Aug. 11, 2025).
6. Souare v. DODD, No. 5:25-cv-00694-JRA, N.D. Ohio (Judge Adams) (dismissed Feb. 10, 2026).
7. Souare v. Akron Metropolitan Housing Authority, No. 5:25-cv-00695-JRA, N.D. Ohio (Judge Adams) (dismissed Feb. 24, 2026).
8. Souare v. Sergeant K. Sickels, et al., No. 5:25-cv-02674-JRA, N.D. Ohio (Judge Adams) (dismissed Dec. 10, 2025).

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TABLE OF AUTHORITIES

CASES:

Bd. of County Comm'rs v. Brown, 520 U.S. 397 (1997)

Bell v. Burson, 402 U.S. 535 (1971)

Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)

City of Canton v. Harris, 489 U.S. 378 (1989)

Coppedge v. United States, 369 U.S. 438 (1962)

Ex parte Young, 209 U.S. 123 (1908)

Fowler v. Benson, 924 F.3d 247 (6th Cir. 2019)

Friends of the Earth, Inc. v. Laidlaw Envtl. Servs., 528 U.S. 167
(2000)

Goldberg v. Kelly, 397 U.S. 254 (1970)

Griffin v. Illinois, 351 U.S. 12 (1956)

Hans v. Louisiana, 134 U.S. 1 (1890)

Lackey v. Stinnie, 604 U.S. ____ (2025)

Mathews v. Eldridge, 424 U.S. 319 (1976)

M.L.B. v. S.L.J., 519 U.S. 102 (1996)

Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978)

Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306
(1950)

Seminole Tribe v. Florida, 517 U.S. 44 (1996)

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. XI

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 R.C. § 3123.55(A)

Ohio R.C. § 3123.58

Ohio R.C. § 3123.60

Ohio Admin. Code Rule 5101:12-60-05.6

RULES:

Sup. Ct. R. 10(a)

Sup. Ct. R. 12.6

Sup. Ct. R. 14.1(b)

Sup. Ct. R. 14.5

Sup. Ct. R. 34.1(e)

PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

The judgment of the United States Court of Appeals for the Sixth Circuit in *Souare v. Ohio Bureau of Motor Vehicles*, Case No. 25-3603 (6th Cir. Mar. 11, 2026), is unreported and is reproduced at Appendix A.

The Memorandum of Opinion and Order of the United States District Court for the Northern District of Ohio in *Souare v. Ohio Bureau of Motor Vehicles*, Case No. 5:25-cv-00564-BMB (Doc. #34, PageID #189, dated March 11, 2026), dismissing Petitioner's action WITH PREJUDICE, is reproduced at Appendix B.

JURISDICTION

The judgment of the Court of Appeals was entered on March 11, 2026. This amended petition is filed pursuant to Supreme Court Rule 14.5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Eleventh Amendment to the United States Constitution provides:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

Section 1 of the Fourteenth Amendment to the United States Constitution provides in pertinent 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."

Ohio Revised Code § 3123.55(A) provides in pertinent part that a child support enforcement agency shall send an order to the bureau of motor vehicles to suspend a license upon determination of default.

Ohio Revised Code § 3123.58 provides that upon receipt of an order issued under section 3123.55, the bureau of motor vehicles shall comply with the order.

Ohio Revised Code § 3123.60 provides that the bureau of motor vehicles shall not hold any hearing or grant any appeal regarding a suspension ordered pursuant to section 3123.55.

28 U.S.C. § 1915(a)(3) provides:

"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. The Unlawful License Suspension Without Advance Notice

On December 10, 2024, Summit County Child Support Enforcement Agency (CSEA) submitted an administrative order to the Ohio Bureau of Motor Vehicles (BMV) ordering the immediate suspension of Petitioner Elhadj Alpha Mahmoud Souare's driver's license and commercial driver's license (CDL) under Ohio R.C. §§ 3123.55(A), 3123.58, and 3123.60.

Neither Summit County CSEA nor the Ohio BMV provided Petitioner with advance notice or an opportunity for a hearing prior to executing the deprivation. Petitioner only learned of the revocation when attempting to operate client transportation vehicles.

Petitioner relies on his driver's license and CDL for his livelihood as a professional caregiver and driver. The revocation triggered automatic collateral disqualifications across multiple state agencies, completely destroying Petitioner's multi-state enterprises—Fulani Services LLC in Ohio, and Shiny Homes LLC in Pennsylvania and Indiana.

B. State Respondents' Sworn Admissions of Constitutional Violation

The administrative record contains uncontradicted admissions by state officials:

1. In a Motion to Dismiss filed June 24, 2025 (District Court Doc. #12, PageID #159), Assistant Attorney General Rachel

Huston admitted: (a) the BMV suspended Petitioner's driver's license automatically upon CSEA's order; (b) the BMV's function is purely mechanical and non-discretionary; (c) under R.C. § 3123.60, the BMV is statutorily prohibited from holding a hearing or granting an appeal; and (d) it is not the BMV's role to provide due process.

2. In a Sixth Circuit filing dated January 16, 2026 (Case No. 25-3603), Assistant Attorney General Dale T. Vitale admitted that no pre-deprivation notice was ever provided to Petitioner.
3. On February 10, 2026, Summit County CSEA issued a formal "Notice of Correction of a License Suspension" (Form JFS 04038), acknowledging that Petitioner was "submitted in error for license suspension."

C. Procedural Posture and Dismissal With Prejudice

Petitioner instituted an action under 42 U.S.C. § 1983 in the U.S. District Court for the Northern District of Ohio (Case No. 5:25-cv-00564-BMB). The District Court granted Respondents' motion to dismiss WITH PREJUDICE on sovereign immunity grounds. The Sixth Circuit affirmed on March 11, 2026.

Because the action was dismissed with prejudice, principles of claim preclusion permanently bar Petitioner from re-filing or seeking relief in any other court, leaving this Petition as the sole remaining avenue for judicial review.

REASONS FOR GRANTING THE PETITION

I. A Direct Circuit Split Exists Between the Sixth and Fourth Circuits Regarding Debt-Based Automatic License Suspensions. This case presents a direct operational conflict between federal courts of appeals regarding the constitutional limits of automated state license suspensions under *Bell v. Burson*, 402 U.S. 535 (1971):

A. The Fourth Circuit Conflict: In *Stinnie v. Holcomb*, 55 F.4th 951 (4th Cir. 2022) (en banc), the Fourth Circuit held that state schemes providing for automatic driver's license suspensions without pre-deprivation notice and an opportunity to be heard violate the Due Process Clause of the Fourteenth Amendment.

B. The Sixth Circuit Rule: Conversely, in *Fowler v. Benson*, 924 F.3d 247 (6th Cir. 2019), and in the judgment below, the Sixth Circuit held that automated, mandatory statutory suspension schemes do not trigger pre-deprivation procedural due process requirements.

This explicit Circuit split leaves federal constitutional rights dependent entirely upon geographic jurisdiction. Certiorari is required to resolve this split under Supreme Court Rule 10(a).

II. Dismissal With Prejudice Permanently Forecloses Judicial Redress, Leaving Certiorari as the Sole Remedy.

The District Court dismissed Petitioner's action WITH PREJUDICE, and the Sixth Circuit affirmed.

Under established principles of res judicata and claim preclusion, a dismissal with prejudice operates as an adjudication on the merits that permanently bars Petitioner from instituting any new action or seeking relief in state or federal court based on these facts. Because Petitioner cannot refile, the decisions below create an insurmountable legal barrier that seals a conceded constitutional violation behind procedural finality.

Only this Court's intervention can correct this injustice.

III. Sovereign Immunity Cannot Shield State Officers Executing Unconstitutional Ministerial Acts under *Ex Parte Young*.

The Sixth Circuit erred in holding that Eleventh Amendment sovereign immunity bars all claims against state entities and officials enforcing automatic statutory deprivations. Under *Ex parte Young*, 209 U.S. 123 (1908), sovereign immunity does not

shield state officers enforcing statutes that violate the Federal Constitution. Where an official's duties are purely mechanical and non-discretionary—and where state law explicitly forbids administrative hearings—federal equitable jurisdiction is essential to enforce Fourteenth Amendment protections.

IV. Blanket § 1915(a)(3) Bad-Faith Certifications Violate *Coppedge v. United States* and Create Wealth-Based Barriers.

A. The *Coppedge* Violation: Under *Coppedge v. United States*, 369 U.S. 438 (1962), an appeal is taken in "good faith" if it seeks review of any non-frivolous issue. The District Court issued a blanket certification under 28 U.S.C. § 1915(a)(3) declaring Petitioner's appeal not in good faith without addressing the state's written admissions of factual error. A claim supported by the government's own admissions of error cannot be frivolous as a matter of law.

B. Wealth-Based Exclusion: Depriving an indigent litigant of in forma pauperis status on appeal based on a routine, non-individualized bad-faith certification violates *Griffin v. Illinois*, 351 U.S. 12 (1956), and *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), by conditioning constitutional review upon financial capability.

V. Refusing to Respond to Statutory Administrative Hearing Requests Violates Fundamental Due Process.

When CSEA issued a subsequent suspension notice in May 2026, Petitioner submitted a formal hearing request under Ohio Admin. Code Rule 5101:12-60-05.6. CSEA ignored the request entirely and executed the suspension on June 15, 2026. Ignoring a statutorily mandated hearing procedure while executing an administrative deprivation violates the constitutional baseline established in *Goldberg v. Kelly*, 397 U.S. 254 (1970).

VI. Respondents Cannot Defeat Federal Jurisdiction Through Voluntary Cessation.

Under *United States v. W.T. Grant Co.*, 345 U.S. 629 (1953), voluntary cessation of illegal activity does not moot a case unless it is clear that the allegedly wrongful behavior could not reasonably be expected to recur. Respondents' administrative pattern—admitting error, vacating a suspension, issuing a new notice, ignoring a hearing request, and executing a second suspension—demonstrates that the controversy remains live and requires definitive judicial resolution.

VII. This Case Presents an Ideal Vehicle for the Exercise of This Court's Supervisory Power.

This case is an ideal vehicle for certiorari because: (1) the factual record contains uncontradicted written admissions of error by state officers; (2) the legal issues are framed entirely on pure questions of federal constitutional law and circuit-split authority; and (3) the judgment with prejudice leaves no alternative court or proceeding capable of granting relief.

CONCLUSION

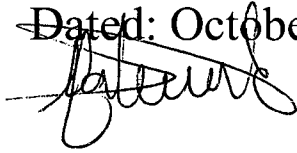
For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Elhadj Alpha Mahmoud Souare
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Telephone: (234) 303-9210

Petitioner, Pro Se

~~Dated:~~ October 12, 2026



CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.2(b), I, Elhadj Alpha Mahmoud Souare, certify that the foregoing Amended Petition for a Writ of Certiorari is prepared on 8½ by 11-inch paper and does not exceed 40 pages, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2026.

Elhadj Alpha Mahmoud Souare
Petitioner, Pro Se

PROOF OF SERVICE

I, Elhadj Alpha Mahmoud Souare, certify that on October 12, 2026, as required by Supreme Court Rule 29, I served the enclosed PETITION FOR A WRIT OF CERTIORARI on all parties required to be served by depositing true copies thereof in the United States mail, first-class postage prepaid, via Certified Mail, Return Receipt Requested, addressed as follows:

1. Counsel for Respondent Ohio Bureau of Motor Vehicles:
Ohio Attorney General's Office
Bureau of Motor Vehicles Legal Division
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
2. Solicitor General of the State of Ohio:
Office of the Ohio Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
4. Solicitor General of the United States:
Room 5616, Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2026.
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