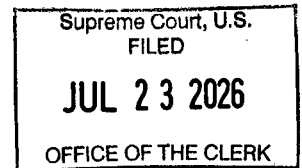


No. _____

26 - 5922 **ORIGINAL**

**IN THE
SUPREME COURT OF THE UNITED STATES**

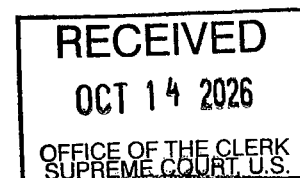


**E. S.,
Petitioner,
v.
L. J.,
Respondent.**

**On Petition for a Writ of Certiorari to the
Court of Appeals of Ohio, Ninth Appellate District**

PETITION FOR A WRIT OF CERTIORARI

Elhadj Alpha Mahmoud Souare
P.O. Box 7024
Akron, Ohio 44306
(234) 303-9210
fulaniservicesllc@outlook.com
Petitioner Pro Se



QUESTIONS PRESENTED

Under the Fourteenth Amendment's Due Process Clause, state court procedures that extinguish a parent's right to seek judicial review of a judicial officer's decision affecting child protective interests before that decision takes legal effect violate fundamental fairness.

The questions presented are:

1. Whether the Due Process Clause of the Fourteenth Amendment prohibits a state trial court from entering a simultaneous, same-second judicial adoption of a magistrate's decision, where such immediate entry eliminates any meaningful opportunity for a parent to invoke state-created objection procedures before the order becomes enforceable.
2. Whether the Due Process Clause is satisfied when a state appellate court dismisses a parent's constitutional procedural challenge as "premature" while state trial machinery operates to execute the unreviewed magistrate order, creating an unreviewable procedural impasse.

LIST OF PARTIES TO THE PROCEEDING AND
RELATED CASES

PARTIES TO THE PROCEEDING:

E. S., Petitioner below (by and through legal custodian/father,
Elhadj Alpha Mahmoud Souare).

L. J., Respondent below.

*(Pursuant to Supreme Court Rules 12.6 and 14.1(b), parties are
designated solely by initials to match the official record of the
proceedings in the state courts below).*

CORPORATE DISCLOSURE STATEMENT:

No party is a corporate entity.

RELATED PROCEEDINGS:

E.S. v. L.J., Supreme Court of Ohio, Case No. 2026-
0322 (Jurisdiction declined July 15, 2026).

E.S. v. L.J., Court of Appeals of Ohio, Ninth Appellate District,
Case No. C.A. 30888, 2026-Ohio-900 (Dismissed March 18,
2026).

State ex rel. Souare v. Cook, Supreme Court of Ohio, Case
No. 2026-0934 (Mandamus proceeding filed July 20, 2026).

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C. Appellate Dismissal and Procedural Trap

REASONS FOR GRANTING THE PETITION

I. The Decision Below Conflicts with Established Procedural Due
Process Standards Governing State Delegation to
Magistrates

II. Same-Second Judicial Adoption Sinkholes State-Created
Objection Rights in Violation of *Logan v. Zimmerman
Brush Co.*

III. This Case Is an Ideal Vehicle to Address Systemic
Magistrate-Adoption Practices Threatening Parental
Rights

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TABLE OF AUTHORITIES

CASES:

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

Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)

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

Meyer v. Nebraska, 262 U.S. 390 (1923)
Santosky v. Kramer, 455 U.S. 745 (1982)
Troxel v. Granville, 530 U.S. 57 (2000)
Whitelock v. Gilbane Bldg. Co., 66 Ohio St. 3d 594 (1993)

CONSTITUTIONAL PROVISIONS AND STATUTES:

U.S. Const. amend. XIV, § 1
28 U.S.C. § 1257(a)
Ohio Civ. R. 53(D)(3)(b)(i)
Ohio Civ. R. 65.1
Ohio Const. art. IV, § 3(B)(4)

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment of the Court of Appeals of Ohio, Ninth Appellate District.

OPINIONS BELOW

The opinion of the Court of Appeals of Ohio, Ninth Appellate District, is reported at *E.S. v. L.J.*, 2026-Ohio-900 (9th Dist. Mar. 18, 2026) (App. A).

The entry of the Supreme Court of Ohio declining jurisdiction in Case No. 2026-0322, entered July 15, 2026, is unreported (App. B).

JURISDICTION

The Court of Appeals of Ohio, Ninth Appellate District, entered judgment on March 18, 2026. The Supreme Court of Ohio declined jurisdiction on July 15, 2026. This petition was timely submitted within 90 days of judgment and resubmitted pursuant to Rule 14.5. This Court's jurisdiction rests on 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Fourteenth Amendment, Section 1:

"No State shall deprive any person of life, liberty, or property, without due process of law..."

Ohio Rules of Civil Procedure, Rule 53(D)(3)(b)(i):

"A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision..."

STATEMENT OF THE CASE

A. Factual Background and Hearing

Petitioner is the legal father of the minor child, E. S. On July 11, 2025, Petitioner instituted civil protection order proceedings in state trial court seeking judicial protection for the child following documented physical injuries occurring while in Respondent's care. An evidentiary hearing was conducted before a magistrate on August 6, 2025.

B. Simultaneous Judicial Adoption Entry

On August 11, 2025, at exactly 8:41:35 a.m., the magistrate's decision denying protective relief was entered on the trial court clerk's docket.

Simultaneously—at the exact same second (8:41:35 a.m.)—the trial court judge signed and entered an order adopting the magistrate's decision in full as a final judgment of the court (App. C).

This same-second entry occurred before the decision was served upon Petitioner, before Petitioner could review the findings, and before Petitioner could exercise the 14-day objection right provided under Ohio Rule of Civil Procedure 53(D).

C. Appellate Dismissal and Procedural Trap

Petitioner filed timely objections on August 15, 2025, and a protective notice of appeal. On March 18, 2026, the Ninth District Court of Appeals dismissed the appeal, holding that because objections remained pending, the order was not subject to appellate review. Yet the same-second adoption entry remained legally effective and active on the trial docket.

Petitioner sought review in the Supreme Court of Ohio, pointing out an explicit inter-district conflict regarding magistrate adoption procedures. On July 15, 2026, the Supreme Court of Ohio declined jurisdiction without opinion (App. B).

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW CONFLICTS WITH ESTABLISHED PROCEDURAL DUE PROCESS STANDARDS GOVERNING STATE DELEGATION TO MAGISTRATES.

Due process requires an opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). While States possess wide latitude to structure judicial hierarchies and delegate initial hearing authority to magistrates, due process imposes sharp constitutional boundaries when delegating judicial power over fundamental parental liberty interests. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

Where state law constructs an explicit procedural mechanism—objections to a magistrate's findings before a constitutionally tenured judge—the Due Process Clause prohibits state courts from running that process in a manner that renders the safeguard an absolute nullity.

II. SAME-SECOND JUDICIAL ADOPTION SINKHOLES STATE-CREATED OBJECTION RIGHTS IN VIOLATION OF LOGAN V. ZIMMERMAN BRUSH CO.

In *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 437 (1982), this Court held that a State may not create an administrative or judicial remedy and then destroy that

entitlement through automated or arbitrary procedural traps.

Here, adopting a magistrate's decision at the exact same timestamp (8:41:35 a.m.) destroys the parent's ability to object *prior* to the entry taking judicial effect. The parent is placed in an intolerable procedural box: the order becomes immediately executable, yet appellate review is denied because state appellate courts deem the same order "unappealable" while unruled objections pend.

This procedural loop violates the Fourteenth Amendment.

III. THIS CASE IS AN IDEAL VEHICLE TO ADDRESS SYSTEMIC MAGISTRATE-ADOPTION PRACTICES THREATENING PARENTAL RIGHTS.

State court dockets across the country rely heavily on magistrates and commissioners in domestic relations and protective order cases. The practice of rubber-stamping magistrate orders at the exact second of docketing—without providing pre-enforcement objection review—is a widespread practice that severely compromises due process in child protection matters.

This case presents a clean, fully documented docket record (App. C) that isolates this precise federal question without requiring the Court to reweigh contested factual merits.

CONCLUSION AND RELIEF SOUGHT

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

- 1. Grant this petition for a writ of certiorari;**
- 2. Reverse or vacate the judgment of the Supreme Court of Ohio; and**
- 3. Remand the case for further proceedings consistent with the Due Process Clause of the Fourteenth Amendment.**

Respectfully submitted,

CONCLUSION AND RELIEF SOUGHT

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

- 1. Grant this petition for a writ of certiorari;**
- 2. Summarily reverse the judgments of the lower courts pursuant to Supreme Court Rule 16.1; or, in the alternative,**
- 3. Vacate the judgment below and remand the case to the state courts with instructions to conduct a de novo review satisfying the procedural guarantees of the Fourteenth Amendment's Due Process Clause.**

Respectfully submitted,

Elhadj Alpha Mahmoud Souare
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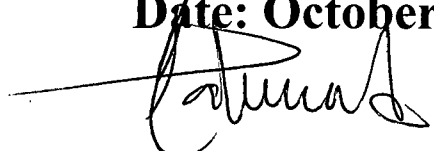
Petitioner Pro Se

Date: October 8, 2026

**Elhadj Alpha Mahmoud Souare
P.O. Box 7024
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Petitioner Pro Se

Date: October 8, 2026

A handwritten signature in black ink, appearing to read 'Elhadj Alpha Mahmoud Souare', is written over the printed name and date.

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**Appendix A: Decision and Journal Entry of the Ohio
Court of Appeals, Ninth Appellate District, *E.S. v. L.J.*,
2026-Ohio-900 (Mar. 18, 2026)**

**Appendix B: Entry of the Supreme Court of Ohio
Declining Jurisdiction, Case No. 2026-0322 (July 15,
2026)**

**Appendix C: Summit County Clerk of Courts Certified
Docket Entry Showing Simultaneous Timestamp
Adoption Entry (Aug. 11, 2025)**

**Appendix D: Trial Court Judgment Entry on Objections
(July 27, 2026) [Redacted pursuant to Rule 14.1(i)]**

**Appendix E: Summit County Clerk of Courts Certified
Docket Entry of Praecipe for Transcript (Feb. 25, 2026)**

PROOF OF SERVICE

**I, Elhadj Alpha Mahmoud Souare, hereby certify that
on October 8, 2026, a copy of this corrected *Petition for a
Writ of Certiorari* was served by First-Class U.S. Mail,
postage prepaid, upon the Respondent at her address of
record:**

L. J.

**251 E. Lods Street
Akron, Ohio 44304**

(Respondent)

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

Executed on October 8, 2026.

Elhadj Alpha Mahmoud Souare

P.O. Box 7024

Akron, Ohio 44306