Case No. 26-3064

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

ELHADJ ALPHA MAHMOUD SOUARE

Plaintiff - Appellant

v.

SERGEANT K. SICKELS, Siver Lake Police Department; OFFICER B. JOHNSON, Siver Lake Police Department; DETECTIVE KEYES, Ravenna Police Department; JOHN DOES 1-3; VILLAGE OF SILVER LAKE, OH

Defendants - Appellees

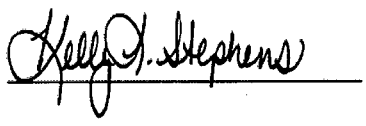
Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by July 29, 2026.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT
Kelly L. Stephens, Clerk

Issued: August 10, 2026



No. 26-3064

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 29, 2026
KELLY L. STEPHENS, Clerk

ELHADJ ALPHA MAHMOUD SOUARE,

Plaintiff-Appellant,

v.

SERGEANT K. SICKELS, Siver Lake Police Department, et al.,

Defendants-Appellees.

ORDER

Before: BLOOMEKATZ, Circuit Judge.

Elhadj Alpha Mahmoud Souare, proceeding pro se, appeals the district court's order denying his motion to proceed in forma pauperis (IFP) and dismissing his civil-rights complaint. He moves for leave to proceed IFP on appeal. *See* Fed. R. App. P. 24(a)(5).

In December 2025, Souare filed a 42 U.S.C. § 1983 complaint against the Village of Silver Lake, Ohio, and several police officers. Souare moved to proceed IFP, but the district court denied the motion and dismissed his complaint, finding that (1) Souare did not make a sincere attempt to provide the court the information it needed to determine whether to grant him pauper status (i.e., his assets, income, debts, and expenses), and (2) Souare's payment of the full filing fee of $405 in at least nine other civil actions in the Northern District of Ohio since March 2025 suggested that he does, in fact, have the means to pay the filing fee in this case. The court stated, however, that it would reopen the case on a motion from Souare filed within 30 days and accompanied by payment of the filing fee. It also certified, pursuant to 28 U.S.C. § 1915(a)(3), that Souare did not have a good-faith basis to appeal.

Souare did not move to reopen but instead filed a timely appeal and this motion to proceed IFP on appeal. Where, as here, a district court has certified that a party's appeal is not taken in

good faith, that party may move this court for leave to proceed IFP. Fed. R. App. P. 24(a)(5). This court will grant an IFP motion only if it is persuaded that the appeal is being taken in good faith, i.e., that the issues to be raised are not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445-46 (1962). An issue is frivolous if it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

Souare's appeal lacks an arguable basis in law. A district court may grant pauper status to a person who submits an affidavit listing the individual's assets and establishing that the individual is unable to pay the required fee. *See* 28 U.S.C. § 1915(a)(1); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997). As its primary basis for denying Souare's IFP motion, the district court found that Souare's poverty affidavit was "implausible on its face." The court pointed out that Souare's affidavit stated that he receives neither income nor assistance from any source (besides $540 per month in Supplemental Nutrition Assistance Program benefits) and has no living expenses. However, Souare listed a phone number on his affidavit, which suggests that he does in fact have utility expenses, but failed to disclose that expense or explain how he pays for phone service. Moreover, Souare listed a 2016 Dodge Caravan as his sole asset, but failed to indicate the vehicle's value, any expenses associated with the vehicle, or how he pays for those expenses. Because Souare failed to provide an affidavit specifically detailing his assets and establishing he was unable to pay the filing fee, there is no basis for him to argue that the district court abused its discretion in denying his IFP motion and dismissing his complaint. *See Pointer v. Wilkinson*, 502 F.3d 369, 372 (6th Cir. 2007) (noting that this court reviews a district court's denial of pauper status for an abuse of discretion); *Flippin v. Coburn*, 107 F. App'x 520, 521 (6th Cir. 2004) (finding no abuse of discretion where the district court denied an IFP motion due to the litigant's failure to provide information about his expenses); *Reynolds v. Fed. Bureau of Prisons*, 30 F. App'x 574, 574 (6th Cir. 2002) (finding no abuse of discretion where the district court denied an IFP motion due to the litigant's failure to specifically identify his assets or offer a credible estimate of their value).

For these reasons, Souare's motion to proceed IFP is **DENIED**. Unless Souare pays the $605 filing fee to the district court within 30 days of the entry of this order, this appeal will be dismissed for want of prosecution.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Elhadj Alpha Mahmoud Souare,	)	CASE NO.: 5:25CV02674
	)	
Plaintiff,	)	JUDGE JOHN ADAMS
	)	
v.	)	**ORDER OF DISMISSAL**
	)	
Sergeant K. Sickels, et al.	)	
	)	
Defendants.	)	

On December 10, 2025, *pro se* plaintiff Elhadj Alpha Mahmoud Souare filed a civil rights complaint against Silver Lake Police Sergeant K. Sickels, Silver Lake Police Officer B. Johnson, Ravenna Police Detective Keyes, the city of Silver Lake, Ohio, and John Doe police officers 1-3 (*See* Doc. No. 1). Plaintiff also filed an application to proceed *in forma pauperis* ("IFP") (Doc. No. 2).

Plaintiff's application is implausible on its face. Plaintiff indicates that he receives $540 in SNAP (Supplemental Nutrition Assistance Program) benefits and he owns a 2016 Dodge Caravan. For the remainder of the application, Plaintiff filled all of the blanks with "0's" or "N/A," suggesting he has no assets (besides the motor vehicle), no debt, no income or support of any kind (other than $540 in SNAP benefits), and no living expenses, including food, shelter, or utilities. Plaintiff lists a motor vehicle, yet he fails to indicate the vehicle's value, any expenses associated with the vehicle, or how he pays for such expenses. Plaintiff also lists a phone number on his application, which suggests he has utility expenses, yet he fails to disclose this expense to the Court or disclose a means

of support or a source of income to address this expense. Further, although Plaintiff states that he has a five-year old daughter who relies on Plaintiff for support, he fails to indicate how he supports the child.

Additionally, Plaintiff has paid the $405 filing fee in at least **nine** other civil actions filed in this district. *See Souare v. Akron Children's Hospital, et al.*, No. 5:25-cv-01434-SL (N.D. Ohio filed July 9, 2025); *Souare v. Summit County, Ohio*, No. 5:25-cv-01209-JRA (N.D. Ohio filed June 9, 2025); *Souare v. Hill, et al.*, No. 5:25-cv-01152-SL (N.D. Ohio filed June 3, 2025); *Souare v. Department of Developmental Disabilities*, No. 5:25-cv-00694-JRA (N.D. Ohio filed Apr. 8, 2025); *Souare v. Akron Metropolitan Housing Authority*, No. 5:25-cv-00695-JRA (N.D. Ohio filed Apr. 8, 2025); *Souare v. Goodman Services, LLC*, No. 5:25-cv-00696-JRA (N.D. Ohio filed Apr. 8, 2025); *Souare v. Hill, et al.*, No. 5:25-cv-00698-JRA (N.D. Ohio filed Apr. 8, 2025); *Souare v. Ohio BMV*, No. 5:25-cv-00564-BMB (N.D. Ohio filed Mar. 24, 2025); *Souare v. State of Ohio Child Support*, No. 5:25-cv-00476-JRA (N.D. Ohio filed Mar. 11, 2025).

Pursuant to 28 U.S.C. § 1915, the Court may authorize the commencement of any action without prepayment of filing fees if the litigant submits an affidavit that includes a statement of all assets, income, and debt that demonstrates the person is unable to pay the filing fee. 28 U.S.C. § 1915(a)(1). Pauper status does not require absolute destitution. *Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 Fed. App'x. 239, 240 (6th Cir. 2001). Rather, the plaintiff is required to demonstrate via affidavit that "because of his [or her] poverty," the applicant cannot pay the fee and continue to provide for the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948); see *Givens v. Shadyside Police Department*, No. 2:22-cv-4268, 2023 WL 3089066, at *5 (S.D. Ohio

2023) (Report and Recommendation) (a litigant has an obligation of truthfulness in his or her filings, as well as a burden to demonstrate that he or she should be granted *in forma pauperis* status).

Proceeding *in forma pauperis* is a privilege, not a right. *See Wilson v. Yaklich*, 148 F.3d 596, 603 (6th Cir. 1998). And the decision to grant or deny an application to proceed *in forma pauperis* lies within the sound discretion of the district court. *Flippin v. Coburn*, 107 F. App'x 520, 521 (6th Cir. 2004) (citing *Phipps v. King*, 866 F.2d 824, 825 (6th Cir. 1988)).

Here, Plaintiff has not demonstrated an inability to pay the filing fee. He did not attempt to complete the form or provide the Court with accurate information concerning all of his assets, income, debts, and expenses. Without that information, the Court has no basis upon which it can fulfill its obligation to assess Plaintiff's indigent status. *See Liggins v. Am. Elec. Power Co.*, No. C2-04-502, 2008 WL 2491749, at *2 (S.D. Ohio June 17, 2008) (denying motion to proceed IFP on appeal where plaintiff failed to support her motion with sufficient detail to provide the court with adequate information to determine if she lacks the financial resources to pay the filing fee) (citing *Flippin*, 107 F. App'x at 521*); see also Reynolds v. Fed. Bureau of Prisons*, 30 F. App'x 574 (6th Cir. 2002) (finding that the district court acted within its discretion in denying plaintiff's IFP application where plaintiff did not identify his securities with particularity or offer a credible estimate of their value) (citation omitted).

Moreover, Plaintiff has paid the full filing fee of $405 in nine previously filed civil actions in this district court, suggesting he does, in fact, have the means to pay the filing fees and this is a situation where he must "weigh the financial constraints posed by

pursuing [his] Complaint[s] against the merits of [his] claims." *Behmlander v. Comm'r of Soc. Sec.*, 2012 WL 5457466 at * 2 (E.D. Mich. Oct. 16, 2012).

Accordingly, the Court DENIES Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) and DISMISSES Plaintiff's complaint (Doc. No. 1). Plaintiff may move to reopen this case within thirty (30) days of the date of this Order by paying the full filing fee of $405.00 and filing a motion to reopen contemporaneous with the payment of the full filing fee. The Court will not accept any document for filing in this case, including a motion to reopen or a motion for reconsideration, unless the filing fee is first paid in its entirety to the Court's satisfaction.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

January 8, 2026

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT

FACT ADDENDUM: The unlawful stop occurred at or near 1325 Graham Rd, Silver Lake, Ohio.

Defendant Addresses (Placeholder)

Silver Lake Police Department – c/o Silver Lake Police Department, Silver Lake, Ohio

2961 Kent Road 44224

Ravenna Police Department – c/o Ravenna Police Department, Ravenna, Ohio

220 Park Way
Ravenna, Ohio 44266

Officer K. Sickels (#0607) – c/o Silver Lake Police Department, Silver Lake, Ohio

Officer B. Johnson – c/o Ravenna Police Department, Ravenna, Ohio

Officer Rob Malody – c/o Ravenna Police Department, Ravenna, Ohio

Officer Duane Kaley – c/o Ravenna Police Department, Ravenna, Ohio

Appeal,Cat03,Knapp,Termed

U.S. District Court
NORTHERN DISTRICT OF OHIO (Akron)
CIVIL DOCKET FOR CASE #: 5:25-cv-02674-JRA

Souare v. Sickels, et al.
Assigned to: Judge John R. Adams
Case in other court: 6th Circuit, 26-03064
Cause: 28:1983 Civil Rights

Date Filed: 12/10/2025
Date Terminated: 01/08/2026
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Elhadj Alpha Mahmoud Souare

represented by **Elhadj Alpha Mahmoud Souare**
P.O. Box 7024
Akron, OH 44306
PRO SE

V.

Defendant

Sergeant K. Sickels
Siver Lake Police Department

Defendant

Officer B. Johnson
Siver Lake Police Department

Defendant

Detective Keyes
Ravenna Police Department

Defendant

John Does
1-3

Defendant

City of Silver Lake, Ohio

Date Filed	#	Docket Text
12/10/2025	1	**Complaint** for damages and injunctive relief against City of Silver Lake, Ohio, Detective Keyes, John Does 1-3, B. Johnson, K. Sickels. Filing fee not paid, IFP. Filed by Elhadj Alpha Mahmoud Souare. (Attachments: # 1 Various Images, # 2 Fact addendum, # 3 Exhibit - Child Support, # 4 Exhibit - BMV, # 5 Exhibit - Letter from PAM, # 6 Exhibit - Blocked the billing, # 7 Civil Cover Sheet) (C,K) (Entered: 12/10/2025)
12/10/2025	2	**Motion** to proceed in forma pauperis filed by Plaintiff Elhadj Alpha Mahmoud Souare. (C,K) (Entered: 12/10/2025)

12/10/2025	3	Emergency **Motion** to expedite proceedings filed by Plaintiff Elhadj Alpha Mahmoud Souare. (C,K) (Entered: 12/10/2025)
12/10/2025	4	Emergency **Motion** to expedite ruling on injunctive relief filed by Plaintiff Elhadj Alpha Mahmoud Souare. (C,K) (Entered: 12/10/2025)
12/10/2025		Judge John R. Adams assigned to case. (C,K) (Entered: 12/10/2025)
12/10/2025		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Amanda M. Knapp. (C,K) (Entered: 12/10/2025)
12/10/2025	5	Notice of Flash-drive (manual filing) filed by Elhadj Alpha Mahmoud Souare (unsigned). Flash drive located in file. (C,K) (Entered: 12/10/2025)
12/17/2025	6	**Motion** for preliminary injunction filed by Plaintiff Elhadj Alpha Mahmoud Souare. (Attachments: # 1 Proposed Order Granting Temporary Restraining Order and Preliminary Injunction, # 2 Envelope) (S,He) (Entered: 12/17/2025)
12/17/2025	7	Emergency **Motion** for preservation of digital evidence filed by Plaintiff Elhadj Alpha Mahmoud Souare. (Attachments: # 1 Exhibit - JDB 4772 Under Fulani Services LLC, # 2 Envelope) (S,He) (Entered: 12/17/2025)
12/17/2025	8	Notice of filing of flash drive containing audio/video recordings and evidentiary materials filed by Elhadj Alpha Mahmoud Souare. (Flash drive on file in Clerk's Office.) (Attachments: # 1 Notice of Manual Filing of Flash Drive Containing Audio Evidence, # 2 Envelope) (S,He) (Entered: 12/17/2025)
12/17/2025	9	Emergency **Motion** to expedite proceedings and Emergency **Motion** to expedite ruling on request for injunctive relief filed by Plaintiff Elhadj Alpha Mahmoud Souare. Related document 6 . (Attachments: # 1 Envelope) (S,He) (Entered: 12/17/2025)
12/17/2025	10	Emergency **Motion** to expedite review and hearing filed by Plaintiff Elhadj Alpha Mahmoud Souare. Related documents 1 , 8 . (Attachments: # 1 Envelope) (S,He) (Entered: 12/17/2025)
12/29/2025	11	Notice of related state-court proceedings and judicial actions filed by Elhadj Alpha Mahmoud Souare. (Attachments: # 1 Other Court Documents) (S,He) (Entered: 12/30/2025)
01/08/2026	12	**Order** denying Plaintiff's application to proceed in forma pauperis (Doc. No. 2) and DISMISSES Plaintiff's complaint (Doc. No. 1). Plaintiff may move to reopen this case within thirty (30) days of the date of this Order by paying the full filing fee of $405.00 and filing a motion to reopen contemporaneous with the payment of the full filing fee. The Court will not accept any document for filing in this case, including a motion to reopen or a motion for reconsideration, unless the filing fee is first paid in its entirety to the Courts satisfaction. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. Judge John R. Adams on 1/8/26. (K,C) (Entered: 01/08/2026)
01/08/2026		Copy of 12 Order Dismissing Case mailed to Elhadj Alpha Mahmoud Souare at P.O. Box 7024, Akron, OH 44306 on 1/8/26. Related document(s) 12 . (K,C) (Entered: 01/08/2026)
01/26/2026	13	**NOTICE OF APPEAL** to the Sixth Circuit Court of Appeals from the 12 Order Dismissing Case, filed by Elhadj Alpha Mahmoud Souare. Filing fee not paid (C,K). Modified on 1/26/2026 (H,JL). (Entered: 01/26/2026)
01/26/2026	14	**Motion** to appeal in forma pauperis filed by Plaintiff Elhadj Alpha Mahmoud Souare. Related document(s) 13 . (C,K) Modified on 1/26/2026 (H,JL). (Entered: 01/26/2026)

01/27/2026		Acknowiedgment from the USCA for Sixth Circuit of receipt of 13 Notice of Appeal (USCA# 26-3064). Date filed in USCA 1/27/2026. (H,JL) (Entered: 01/27/2026)
01/30/2026	15	**Marginal Entry Order** denying Plaintiff's Motion to appeal in forma pauperis (Related Doc # 14). Refer to Order # 12 . Judge John R. Adams on 1/30/26.(K,C) (Entered: 01/30/2026)
01/30/2026		Copy of 15 Order on Motion to appeal in forma pauperis mailed to Elhadj Alpha Mahmoud Souare at P.O. Box 7024, Akron, OH 44306 on 2/2/26. Related document(s) 15 . (K,C) (Entered: 01/30/2026)
06/29/2026	16	Appeal Order from USCA for the Sixth Circuit: Denying Souare's motion to proceed in forma pauperis. Unless Souare pays the $605 filing fee to the District Court within 30 days of the entry of this order, this appeal will be dismissed for want of prosecution re 13 (USCA# 26-3064). Date issued by USCA 6/29/2026. (H,JL) (Entered: 06/29/2026)