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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF TEXAS**

10  
11 NOU XIONG next friend for V.L.; V.L.,  
12 on his own behalf and on behalf of all  
13 others similarly situated

14 *Petitioner-Plaintiff,*

15 vs.

16 DONALD J. TRUMP, in his official  
17 capacity as President of the United States,  
18 *et al.,*

19 *Respondents-Defendants.*

Case No.: 4:25-cv-558-O

**PETITIONER-PLAINTIFF'S  
EMERGENCY MOTION TO  
TRANSFER VENUE**

20 **PETITIONER-PLAINTIFF'S EMERGENCY MOTION TO TRANSFER**  
21 **VENUE**

22 COMES NOW, NOU XIONG NEXT FRIEND OF V.L., AND V.L., by and  
23 through undersigned counsel, pursuant to 28 U.S.C. § 1406(a), and hereby  
24 respectfully moves this Court to transfer venue from the Northern District of Texas to  
25 the District of Guam.  
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- 1       1. The present action is currently pending in the United States District Court for  
2       the Northern District of Texas.
- 3
- 4       2. Transfer of this action to the District of Guam is appropriate and necessary for  
5       the following reasons:
- 6
- 7       3. Pursuant to 28 U.S.C. § 1406, in a “district court of a district which is filed a  
8       case laying venue in the wrong division or district” the court “shall dismiss, or  
9       if it be in the interest of justice, transfer such case to any district or division in  
10      which it could have been brought.”
- 11
- 12      4. The Northern District of Texas is now “the wrong . . . district” for Petitioner’s  
13      habeas corpus writ, because Petitioner is not confined in the Northern District  
14      of Texas. *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (“[W]e hold that  
15      venue lies in the district of confinement.”); *see also* *Rumsfeld v. Padilla*, 542  
16      U.S. 426, 449–50 (2004) (noting how “the dissent cannot cite *a single case* in  
17      which we have deviated from the longstanding rule we reaffirm today—that is,  
18      a case in which we allowed a habeas petitioner challenging his present physical  
19      custody within the United States to name a respondent someone other than the  
20      immediate custodian and to file somewhere other than the district of  
21      confinement”); *cf.* *Boumediene v. Bush*, 553 U.S. 723, 796 (2008) (noting that  
22      if “a detainee files a habeas petition in another judicial district in which a  
23      proper respondent can be served, *see* [*Padilla*, 542 U.S. at 435–36], the
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1 Government can move for change of venue to the court that will hear these  
2 petitioners' cases").

- 3
- 4 5. According to controlling case law and § 1406, the U.S. District of Guam is the  
5 necessary venue for this action because Petitioner is detained in Guam; he is no  
6 longer detained in the Prairieland Detention Center or the Bluebonnet  
7 Detention Center, and therefore his petition must be amended or re-filed to  
8 contain his present custodian, presumably, the warden or director of the  
9 Hagatna Detention Facility in Guam, and he must, moreover, assert his petition  
10 in the district of confinement, which is now the U.S. District Court of Guam.  
11
- 12 6. If the Court dismisses for lack of venue, it should do so *without* prejudice and  
13 if it should choose to do so, we respectfully ask that it do so with all due haste.  
14 *See Padilla*, 542 U.S. at 451 (remanding to dismiss without prejudice).  
15
- 16 7. Moreover, failing to expeditiously grant this motion would irreparably harm  
17 Petitioner-Plaintiff, by potentially destroying the U.S. judiciary's ability to hear  
18 his case or to effectively provide a functional remedy should the court find that  
19 the Government's detention, removal, disappearance, or extraordinary  
20 rendition of Petitioner-Plaintiff was wrong.  
21
- 22 8. Conversely, moving venue would not prejudice the Government, because the  
23 Government chose to move Petitioner-Plaintiff to Guam over the motions and  
24 arguments of Petitioner-Plaintiff, and, thereby, constructively consented to  
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1 venue in the U.S. District of Guam in full knowledge of the decision in *J.G.G.*  
2 regarding venue in a very similar case.

3  
4 9. The Government was contacted by email and phone regarding its position to  
5 this emergency motion, and undersigned counsel has not received a response as  
6 of filing this motion.

7  
8 10. It is in the interest of justice to immediately transfer venue to the U.S. District  
9 of Guam, because he is in imminent risk of being removed during the pendency  
10 of this action, which would destroy the function of the writ of habeas corpus  
11 according to *Boumediene*, 553 U.S. at 786 (requiring that “the writ of habeas  
12 corpus, or its substitute, to function as an effective and proper remedy”).

13  
14 11. Petitioner is in custody in Guam, which is between seven to eight thousand  
15 miles away from Dallas, Texas (according to Google Maps) and which is better  
16 suited to adjudicate the custodians in its jurisdiction. *Padilla*, 542 U.S. at 449–  
17 50 (noting not one case that could be cited for an alternative).

18  
19 12. The District of Guam is also the proper venue for this action because the  
20 Petitioner is now in the custody of a detention facility in Guam and unlikely to  
21 be returned, by the Government at least, to the Northern District of Texas, and  
22 Petitioner was originally transferred into the Northern District of Texas from  
23 outside this District such that the initial arrest and detention of Petitioner did  
24 not occur in this District. This aligns with the general venue provisions set  
25 forth in 28 U.S.C. § 1391.  
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1 13.The emergency nature of this motion is due to the fact that the Government  
2 intends to and almost did remove Petitioner-Plaintiff from U.S. jurisdiction,  
3 and may try again imminently.  
4

5 14.In order to preserve the function of the writ, as clearly required by  
6 *Boumediene*, which is to allow petitioners to challenge unlawful,  
7 unconstitutional, and unjust detentions venue must be transferred post haste.  
8 *Boumediene*, 553 U.S. at 786.  
9

10  
11  
12 WHEREFORE, NOU XIONG NEXT FRIEND OF V.L., AND V.L. respectfully  
13 requests that this Court grant this Emergency Motion to Transfer Venue and transfer  
14 this action to the United States District Court for the District of Guam.  
15

16  
17 DATED: May 28, 2025

18 /s/ Joshua J. Schroeder  
19 Joshua J. Schroeder  
20 SchroederLaw  
21 Attorney for Nou Xiong next  
22 friend of V.L., and V.L.  
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**PETITIONER-PLAINTIFF'S  
MEMORANDUM IN SUPPORT OF  
MOTION FOR CLASS  
CERTIFICATION**

20 **PETITIONER-PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF**  
21 **EMERGENCY MOTION TO TRANSFER VENUE**  
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## INTRODUCTION

According to 28 U.S.C. § 1406(a), in a “district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have bene brought.” Moreover, pursuant to 28 U.S.C. § 1406(c), the Court can transfer venue under this section to “the District Court of Guam.” Finally, the U.S. Supreme Court recently decided in a similar case as this one: “[W]e hold that venue lies in the district of confinement.” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *see also* *Rumsfeld v. Padilla*, 542 U.S. 426, 449–50 (2004); *cf.* *Boumediene v. Bush*, 553 U.S. 723, 796 (2008) (noting that if “a detainee files a habeas petition in another judicial district in which a proper respondent can be served, *see* [*Padilla*, 542 U.S. at 435–36], the Government can move for change of venue to the court that will hear these petitioners’ cases”).

## BACKGROUND

Counsel is aware that Petitioner-Plaintiff (“Petitioner”) is now held in a detention facility in Guam. Att’y Decl. Petitioner’s online ICE tracking signature indicates he is in Guam. Counsel emailed Guam officials and confirmed they are detaining Petitioner in their detention facility in Guam. And Petitioner called counsel when he was removed from his plane, confirming he was being separated from his proposed class in Guam. And Petitioner called his wife Nou Xiong indicating he is being detained in Guam twice.

Over the motions and arguments made by Petitioner, the Government moved Petitioner to a detention facility within the jurisdiction and venue of the U.S. District of Guam. They knowingly did this after the U.S. Supreme Court clarified the matter of venue in cases like this one in *J.G.G.* The Government intends to and will remove Petitioner from the United States imminently. Counsel called and emailed the Government for their position regarding this motion and they have yet to reply.

///



1 **ARGUMENT**

2 According to 28 U.S.C. § 1406(a), the Northern District of Texas is the  
3 “wrong” district, because Petitioner’s custodians are in Guam. Therefore, this Court  
4 “shall” either dismiss this matter without prejudice, or if it is in the interest of justice  
5 transfer the matter to the proper district where an action could have been brought.  
6 Controlling U.S. case law requires that venue in a federal habeas corpus writ be filed  
7 in the district where the petitioner is detained. *Trump v. J.G.G.*, 145 S. Ct. 1003,  
8 1006 (2025).

9 Continuing this matter in the wrong district will result in ultimate dismissal  
10 under *J.G.G.* and proceeding U.S. Supreme Court cases. *Id.*; *Rumsfeld v. Padilla*, 542  
11 U.S. 426, 449–50 (2004); *Boumediene v. Bush*, 553 U.S. 723, 796 (2008) (directing  
12 future courts to grant motions to transfer to the correct venue). There is no need to  
13 guess about this. It would clearly be a waste of judicial economy and resources to  
14 continue hearing this writ in the Northern District of Texas as this District is no  
15 longer correct pursuant to 28 U.S.C. § 1406. *J.G.G.*, 145 S. Ct., at 1006.

16 Interests of justice require the court to transfer venue to the U.S. District of  
17 Guam to protect the function of the writ according to *Boumediene*’s controlling  
18 requirements that pursue “fidelity to freedom’s first principles.” *Boumediene*, *supra*,  
19 797. The function of the writ is to provide effective process to collaterally challenge  
20 unlawful, unconstitutional, and unjust detentions. *See, e.g.*, *Estep v. United States*,  
21 327 U.S. 114, 141 (1946) (Frankfurter, J., concurring). Under present circumstances  
22 effective process can no longer be provided in the Northern District of Texas.

23 Petitioner now resides in Guam. Also he only transiently resided in the  
24 Northern District of Texas as his original arrest at a scheduled ICE check-in occurred  
25 in Oklahoma. It, therefore, appears that there is no basis to keep venue generally in  
26 the Northern District of Texas pursuant to 28 U.S.C. § 1391.

27 Petitioner would be irreparably harmed if this motion is denied, because he is  
28 at imminent risk of removal, disappearance, or extraordinary rendition by the



1 Government, which would effectively undermine his ability to challenge such an  
2 action by this writ. The consequences could be fatal. Conversely, no prejudice  
3 would come to the Government if this motion is granted. Over the motions and  
4 arguments of Petitioner, the Government knowingly and intentionally moved  
5 Petitioner to Guam where he is now detained. The Government did this after *J.G.G.*  
6 was decided, which clearly holds that venue is proper where the Petitioner is  
7 detained. *J.G.G.*, 145 S. Ct., at 1006.

8 This is an emergency motion, because Plaintiff is at risk of imminent removal  
9 from the United States, which would obstruct the function of the writ as defined in  
10 *Boumediene v. Bush. Boumediene*, 553 U.S. at 786 (requiring that “the writ of habeas  
11 corpus, or its substitute, to function as an effective and proper remedy”). The  
12 Government intends to and will remove Petitioner from the United States. If the  
13 court should choose to dismiss this petition pursuant to 28 U.S.C. § 1406, it should do  
14 so without prejudice and it should do so quickly so that Petitioner can file his writ in  
15 the proper venue while he is still in the United States.

### 16 CONCLUSION

17 The Court should grant this Emergency Motion to Transfer Venue and transfer  
18 this action to the United States District Court for the District of Guam.

19  
20 Respectfully Submitted on May 28, 2025

21 /s/ Joshua J. Schroeder  
22 Joshua J. Schroeder  
23 SchroederLaw  
24 Attorney for Nou Xiong next  
25 friend of V.L.. and V.L.  
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**DECLARATION OF ATTORNEY JOSHUA J. SCHROEDER**  
**IN SUPPORT OF MOTION TO TRANSFER VENUE**

I, Joshua J. Schroeder, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney duly licensed to practice law in the State of California and the State of Oregon, and the Central District of California, and several other U.S. Districts, the Ninth Circuit, and the U.S. Supreme Court, and serve as counsel at SchroederLaw where I represent Nou Xiong and V.L. in their habeas corpus proceedings. I have personal knowledge of the facts stated herein and if called to testify, I could and would competently testify hereto.
2. Petitioner was initially arrested at a scheduled ICE check-in in Oklahoma.
3. Petitioner was transferred into the Northern District of Texas in an apparent preparation for his removal only some days before departing to Hagatna Detention Facility in Guam, where he presently resides.
4. At 4:56 PM, 4:58, and 5:01 PM, Pacific Standard Time, on May 26, 2025, I was contacted by V.L., apparently, from a detention facility in Guam.
5. In these phone calls that lost reception twice, V.L. indicated that he was separated from his proposed class by being removed from the plane that was bound somewhere outside of the United States due to a court order that was then in force in this case requiring the U.S. government to keep V.L. in the United States.
6. Subsequently, Nou Xiong called me and indicated that on May 26, 2025 and May 27, 2025 she was called by V.L. who indicated he was held in detention in Guam.
7. Counsel emailed the detention facility known as Hagatna Detention Facility in Guam and was informed that V.L. is presently detained there in U.S. custody.

- 1 8. Counsel also confirmed that V.L.'s ICE online tracking locator also indicated  
2 that V.L. is in the ICE detention facility at Hagatna.
- 3 9. I am aware that the Government does not intend to return V.L. to the Northern  
4 District of Texas and that they intend to remove V.L. from the United States.
- 5 10. I am aware that the Hagatna Detention Facility is in the U.S. District of Guam,  
6 and that venue and jurisdiction is now correct in the U.S. District of Guam.
- 7 11. At approximately 11:14 PM on May 27, 2025, I contacted the Government  
8 regarding my intent to file this motion on an emergency basis, asking for their  
9 position, and as of filing this motion I have yet to hear a reply.
- 10 12. Based on my professional experience, information, and belief, if this motion  
11 was delayed to confer with the Government, Petitioner-Plaintiff V.L. would  
12 likely be irreparably damaged.
- 13 13. Based on my professional experience, information, and belief, if this motion is  
14 denied or delayed for even a matter of hours Petitioner-Plaintiff V.L. may and  
15 likely will be irreparably damaged.
- 16 14. Based on my professional experience, information, and belief, no prejudice  
17 will befall the Government if this motion is granted.
- 18  
19

20 Executed in Hollywood, California

21

22 DATED: May 28, 2025

23 /s/ Joshua J. Schroeder  
24 Joshua J. Schroeder

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9 **NORTHERN DISTRICT OF TEXAS**

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11 NOU XIONG next friend for V.L.; V.L.,  
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17 capacity as President of the United States,  
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19 *Respondents-Defendants.*

Case No.: 4:25-cv-558-O

**[PROPOSED] ORDER  
TRANSFERRING VENUE**

20 **[PROPOSED] ORDER TRANSFERRING VENUE**

21 Upon consideration of Petitioner-Plaintiff's Motion to Transfer Venue to the  
22 U.S. District of Guam:

23  
24 Having determined that Petitioner-Plaintiff ("Petitioner") no longer has right  
25 venue in the Northern District of Texas pursuant to 28 U.S.C. § 1406(a) and *Trump v.*  
26 *J.G.G.*, 145 S. Ct. 1003, 1006 (2025), because it be in the interest of justice that  
27 venue be transferred to the U.S. District of Guam, and in light of the emergency  
28 nature of this motion, it is, therefore:

1           **ORDERED** that Petitioners' Motion for Transfer of Venue to the U.S. District  
2 of Guam is hereby **GRANTED**. All other dates and orders scheduled in the  
3 captioned matter are vacated.

4  
5 DATED: May \_\_, 2025

\_\_\_\_\_  
6 U.S. District Court Judge Reed O'Connor

7  
8 Prepared by:

9  
10 /s/ Joshua J. Schroeder

11 Joshua J. Schroeder

12 SchroederLaw

13 Attorney for Nou Xiong next  
14 friend of V.L., and V.L.  
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