

DISTRICT COURT OF GUAM

Nou Xiong, next friend for V.L.; V.L. v. Colonel Alan P. Borja, in his official capacity as Warden of the Guam Department of Corrections, Hagåtña Detention Facility; Sergio Albarran, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement; and Does 1-10

Xiong · No. Civil Case No. 25-00026 · Decided April 20, 2026

SUMMARY

The District Court of Guam denied the Government’s motion for sanctions against counsel for Nou Xiong and V.L. in a habeas proceeding concerning V.L.’s proposed removal to Laos. The court held that counsel’s arguments regarding removal under the Alien Enemies Act, jurisdiction, and the Suspension Clause were unsuccessful but made in good faith and were not frivolous or pursued for an improper purpose. The court therefore found no basis for sanctions under 28 U.S.C. § 1927 or its inherent authority.

CASE DETAILS

COURT	District Court of Guam
WRITING FOR THE COURT	Frances M. Tydingco-Gatewood
JURISDICTION	District Court of Guam
DECIDED	April 20, 2026
DOCKET	Civil Case No. 25-00026
DISPOSITION	other
PROCEDURAL POSTURE	Respondents-Defendants moved for sanctions against Petitioners-Plaintiffs’ counsel under 28 U.S.C. § 1927 and the court’s inherent authority. The motion followed the court’s denial of emergency injunctive relief, denial of class certification, dismissal with prejudice of the habeas petition, and the Ninth Circuit’s affirmance of the dismissal on jurisdictional grounds.
STANDARD OF REVIEW	Sanctions under 28 U.S.C. § 1927 and the court’s inherent authority require extraordinary circumstances and, for the conduct at issue, subjective bad faith. A monetary sanction under inherent authority must be based on a willful violation of a court order or bad faith, with

	but-for causation between the sanctionable conduct and the compensable loss.
PRECEDENTIAL VALUE	Unknown
PARTIES	Nou Xiong, next friend for V.L.; V.L., on their own behalf and on behalf of others similarly situated v. Colonel Alan P. Borja, in his official capacity as Warden of the Guam Department of Corrections, Hagåtña Detention Facility, Sergio Albarran, in his official capacity as Field Office Director of U.S. Immigration and Customs Enforcement, Does 1-10

TOPICS

sanctions immigration detention removal proceedings subject matter jurisdiction civil procedure

PRACTICE AREAS

federal civil procedure attorney sanctions immigration detention habeas corpus removal proceedings

QUESTIONS PRESENTED

1. Whether counsel knowingly or recklessly raised frivolous arguments or otherwise unreasonably and vexatiously multiplied the proceedings, warranting sanctions under 28 U.S.C. § 1927.
2. Whether counsel acted in bad faith or willfully violated a court order so as to warrant monetary sanctions under the court's inherent authority.
3. Whether counsel's unsuccessful arguments concerning the Alien Enemies Act, the INA removal process, and Suspension Clause jurisdiction were sufficiently baseless or improperly motivated to justify sanctions.

HOLDINGS

1. Section 1927 sanctions require subjective bad faith, meaning that an attorney knowingly or recklessly raises a frivolous argument or advances a meritorious claim for the purpose of harassing an opponent. Careless, negligent, or merely unreasonable conduct is insufficient.
2. A court may impose monetary sanctions under its inherent authority only for a willful violation of a court order or bad-faith conduct, and compensatory sanctions require but-for causation between the misconduct and the claimed compensation.
3. An attorney need not be correct on the law to avoid sanctions; an unsuccessful legal position is not sanctionable when counsel makes a good-faith argument for what the law is or should be.

KEY QUOTATIONS

"While his filings could have been more diligently prepared, better articulated, and more clearly organized, the court does not find that this is one of those exceptional circumstances that warrant sanctions under 28 U.S.C. § 1927." (at 5)

“His legal argument failed, but he made a good faith argument of what he contends the law should be, and this is not a sanctionable offense.” (at 8)

“While the court ultimately found the Government’s evidence to be persuasive, Mr. Schroeder’s arguments were not completely without merit, and the court finds that they were not made in bad faith.” (at 14)

FACTUAL BACKGROUND

V.L., a Laotian citizen and lawful permanent resident, was convicted of attempted murder in California in 1998 and later became subject to an INA removal order to Laos. ICE detained him in April 2025 after he had remained in the United States under an Order of Supervision. His counsel filed habeas and emergency-motion papers asserting that the purported INA removal was pretextual and that V.L. was instead being treated as an Alien Enemies Act detainee, based partly on uncertainty about Laos’s acceptance of removals and the risk of torture. The Government argued that the claims were frivolous and were filed to delay V.L.’s lawful removal.

PROCEDURAL HISTORY

V.L., through next friend Nou Xiong and on his own behalf, filed habeas proceedings in the Northern District of Texas challenging his anticipated removal under the Alien Enemies Act. After that court denied temporary restraining relief and later dismissed the habeas petition for lack of subject-matter jurisdiction under 8 U.S.C. § 1252, Petitioners filed a substantially similar habeas petition in the District of Guam. The Guam court denied emergency relief, class certification, and a stay, and dismissed the petition with prejudice; the Ninth Circuit affirmed on jurisdictional grounds. The Government then moved for sanctions against counsel, and the District of Guam denied the motion with prejudice.

DISPOSITION

other

CASES CITED

- Macedo v. Dolgen Cal., LLC, No. 1:23-cv-00840, 2025 WL 2203021, at *7-8 (E.D. Cal. 2025)
- In re Keegan Mgmt. Co., Sec. Litig., 78 F.3d 431, 435, 437 (9th Cir. 1996)
- Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991)
- In re Facebook, Inc. Consumer Privacy User Profile Litig., 655 F. Supp. 3d 899, 925 (N.D. Cal. 2023)
- Lahiri v. Universal Music & Video Distrib. Corp., 606 F.3d 1216, 1219 (9th Cir. 2010)
- Caputo v. Tungsten Heavy Powder, Inc., 96 F.4th 1111, 1148, 1153, 1155 (9th Cir. 2024)
- Lake v. Gates, 130 F.4th 1064, 1070-71 (9th Cir. 2025)
- Blixseth v. Yellowstone Mountain Club, LLC, 796 F.3d 1004, 1007 (9th Cir. 2015)
- In re Girardi, 611 F.3d 1027, 1061-62 (9th Cir. 2010)
- Am. Unites for Kids v. Rousseau, 985 F.3d 1075, 1089-90 (9th Cir. 2021)
- Fink v. Gomez, 239 F.3d 989, 992, 994 (9th Cir. 2001)
- Zaldivar v. City of Los Angeles, 780 F.2d 823, 830-31 (9th Cir. 1986)

- *Boumediene v. Bush*
- *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 110 (2017)

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