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" I Erensia, Lina'la', Espiritu-ta "

IN THE DISTRICT COURT OF GUAM

DISTRICT COURT

IN RE:) CIVIL CASE NO. 26-cv-00006

REQUEST OF LOURDES A. LEON)
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RELATIVE TO ORGANIC ACT LIMITS ON) **AUTHORITIES**
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IN THE DISTRICT COURT OF GUAM

DISTRICT COURT

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6			
7	IN RE:)	CIVIL CASE NO. 26-cv-00006
8)	
9	REQUEST OF LOURDES A. LEON)	RESPONDENT / MINA'TRENTAI
10	GUERRERO, I MAGA'HAGAN)	OCHO NA LIHESLATURAN
11	GUAHAN, RELATIVE TO ORGANIC)	GUAHAN'S MOTION AND
12	ACT LIMITS ON LEGISLATIVE)	MEMORANDUM OF POINTS AND
	CONDITIONS AFFECTING THE)	AUTHORITIES IN SUPPORT OF
	GOVERNOR'S AUTHORITY TO)	MOTION TO REMAND
	ESTABLISH HOSPITALS.)	
	_____)	

13 Respondent *I Mina'trentai Ocho Na Liheslaturan Guahan* ("Guam Legislature" or
 14 "Legislature"), through its Legislative Counsel, Attorney Darleen Eustaquio Hiton Phillips,
 15 submits its Motion to Remand pursuant to 28 U.S.C. §1447(c). The Attorney General of
 16 Guam's attempt to Remove lacks any objectively reasonable jurisdictional basis. This
 17 Court must remand these proceedings to the Supreme Court of Guam.

19 I. INTRODUCTION

20 This case presents an unprecedented attempt to remove a proceeding by the
 21 Attorney General of Guam, a non-party, directly from the Supreme Court of Guam to the
 22 District Court of Guam. Federal removal statutes authorize removal only of civil actions
 23 brought in state or territorial trial courts and only when removal is invoked by a proper
 24 defendant. Neither prerequisite exists here.

25 The removing party was not a defendant in the underlying proceeding. The action
 26 was pending before the Supreme Court of Guam, the territory's court of last resort.

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Congress created a clear judicial structure governing Guam’s court. Final decisions of the Supreme Court of Guam are reviewable only in the United States Supreme Court. 48 U.S.C. §1424-2 (establishing exclusive appellate review of decisions of the Supreme Court of Guam in the Supreme Court of the United States).

Removal in this circumstance would invert that structure. The District Court of Guam would effectively function as a supervisory tribunal over the territory’s highest court. The Notice of Removal confirms that the Attorney General was neither named nor served as a respondent in the proceeding below. The Chief Justice designated the Guam Legislature as the responding party and established an accelerated briefing schedule before removal was attempted. The Legislature filed its Opposition to Petitioner, Lourdes A. Leon Guerrero, *I Maga’Hagan Guahan’s* request for Declaratory Judgment on March 12, 2026. See Respondent *I Mina’trentai Ocho Na Liheslaturan Guáhan’s* Opposition to Request for Declaratory Judgment RE: Jurisdiction, CRQ26-001 (March 12, 2026) attached as Exhibit 1. Federal jurisdiction, therefore, does not exist. Remand is mandatory.

Multiple independent defects require remand: removal by a non-defendant, removal from a Court of last resort, absence of original jurisdiction, structural conflict with the Organic Act, interference with proceedings already pending in the Supreme Court of Guam, and established federal jurisdiction doctrines. Each defect independently requires remand under 28 U.S.C. §1447(c). See also *Ada v. GTA et. al.*, Civil Case No. 96-0079, Order ECF 43, (Dist. Ct. of Guam 1997); *Gutierrez v. Guam Election Commission, et al.*, 10-00031, Order (Dec. 23, 2010); and *Phillips & Bordallo, P.C. v. Lourdes A. Leon Guerrero, et al.*, 22-00020, Order (Aug. 9, 2023).

II. FEDERAL COURTS ARE COURTS OF LIMITED JURISDICTION

Federal courts possess only the jurisdiction granted to them by Congress. The Supreme Court has repeatedly emphasized federal jurisdiction cannot be expanded through implication, equitable considerations, or litigation strategy. Federal courts therefore have an independent obligation to ensure jurisdiction exists before proceeding further.

Removal jurisdiction is particularly limited. Congress created removal as a narrow statutory exception to the general rule that plaintiffs may choose the forum in which to file their claims. The Supreme Court has long held that removal statutes must therefore be strictly construed. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108–09 (1941) (holding removal statutes must be narrowly interpreted and doubts regarding removal jurisdiction must be resolved against federal jurisdiction). Strict construction reflects the significant federalism and structural concerns implicated whenever federal courts assume jurisdiction over disputes originally filed in another sovereign's courts. Federal jurisdiction may not be exercised unless Congress has clearly authorized it.

The Ninth Circuit follows the same rule. The party invoking removal bears the burden of establishing that federal jurisdiction exists, and any doubt regarding the propriety of removal must be resolved in favor of remand. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (holding that the removing party bears the burden of establishing federal jurisdiction and that removal jurisdiction must be rejected if any doubt exists).

Courts therefore begin with a strong presumption against removal jurisdiction. Removal statutes are interpreted narrowly, and the removing party must demonstrate that each statutory requirement has been satisfied. This principle applies with particular force

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where removal would interfere with proceedings already pending in another Court. Federal courts have consistently recognized that removal statutes cannot be interpreted in a manner that disrupts the institutional structure of another judicial system absent clear congressional authorization.

Congress provided a straightforward rule governing the consequences of jurisdictional defects in removed cases. 28 U.S.C. §1447(c) (requiring federal courts to remand any removed action when it appears that subject-matter jurisdiction is lacking).

The statute uses mandatory language. Once a federal court determines that subject-matter jurisdiction is absent, remand is required. The Court possesses no discretion to retain jurisdiction over a case that Congress has not authorized it to hear.

Application of these principles resolves the present motion. The Attorney General must establish that federal jurisdiction exists and that the removal statutes authorize removal of the proceeding at issue. The Attorney General cannot meet that burden here.

The proceeding removed in this case was pending directly before the Supreme Court of Guam, the territory's court of last resort. Federal removal statutes authorize removal only of civil actions brought in trial courts and only when removal is invoked by a defendant in the underlying action. Neither requirement is satisfied. Removal jurisdiction therefore does not exist. Under 28 U.S.C. §1447(c), remand is mandatory.

III. REMOVAL BY A NON-DEFENDANT IS NOT AUTHORIZED

The removal statutes impose a clear and deliberate limitation on who may invoke federal removal jurisdiction. Congress authorized removal only by defendants named in the underlying civil action. 28 U.S.C. §1441(a) (authorizing removal only by "the defendant or the defendants" in a civil action).

1
2 The statutory language reflects a fundamental principle of federal jurisdiction.
3 Plaintiffs traditionally control the forum in which their claims are filed. Removal therefore
4 operates as a narrow statutory exception to that rule and may be invoked only in the
5 circumstances Congress expressly authorized. The Supreme Court recently reaffirmed
6 the strict limits of §1441. *Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435, 441–42
7 (2019) (holding that removal authority under §1441 belongs only to defendants named in
8 the underlying action).

9
10 The Court explained the statutory phrase “the defendant or the defendants” must
11 be interpreted according to its plain meaning and courts may not expand removal
12 authority beyond the categories Congress specifically identified. *Id.* at 441 (explaining that
13 the removal statute must be interpreted according to its text and that the phrase “the
14 defendant or the defendants” refers only to defendants in the underlying action). The
15 Court further rejected attempts to extend removal authority to parties who were not
16 defendants in the original proceeding. *Id.* at 442 (rejecting attempts to expand removal
17 authority to parties who were not original defendants in the underlying action). The
18 limitation recognized in *Home Depot* is jurisdictional. A party who is not a defendant lacks
19 statutory authority to remove a case into federal court. The filing of a notice of removal
20 cannot create jurisdiction that Congress did not authorize.

21
22 The Notice of Removal filed in this case presents precisely the type of jurisdictional
23 defect the Supreme Court rejected in *Home Depot*. The Attorney General of Guam was
24 not named as a defendant in the proceeding pending before the Supreme Court of Guam.
25 The Chief Justice instead designated the Guam Legislature as the responding party and
26 directed briefing accordingly. The Attorney General failed to ask to enter this matter. The
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2 Attorney General therefore lacked statutory authority to invoke federal removal
3 jurisdiction.

4 The removal statute does not authorize non-defendants to remove proceedings
5 into federal court. Expanding removal authority to include parties who were not
6 defendants in the underlying action would contradict the plain language of 28 U.S.C.
7 §1441(a) and would undermine the strict construction the Supreme Court requires. The
8 attempted removal therefore fails as a matter of statutory text. The absence of statutory
9 authority to remove eliminates federal jurisdiction at the outset and independently
10 requires remand under 28 U.S.C. §1447(c).

11
12 **IV. REMOVAL FROM THE SUPREME COURT OF GUAM IS NOT**
13 **AUTHORIZED**

14 Federal removal statutes authorize removal only of civil actions brought in trial
15 courts. Congress did not create a mechanism allowing litigants to remove proceedings
16 pending before a Court of last resort. The governing removal statute reflects that
17 limitation. 28 U.S.C. §1441(a) (authorizing removal of “any civil action brought in a State
18 Court” over which federal district courts possess original jurisdiction).

19 Federal courts interpreting this language have consistently recognized that
20 removal operates as a transfer of jurisdiction from a trial court to a federal district court.
21 Removal presumes the existence of a lower court proceeding that could have been filed
22 originally in federal court. The proceeding removed here does not fall within that category.
23 The petition at issue was filed directly in the Supreme Court of Guam, which functions as
24 the territory’s court of last resort.
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26 Congress created the modern structure of Guam’s judiciary through the Organic
27 Act. That structure places the Supreme Court of Guam at the apex of the territorial judicial
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2 system. 48 U.S.C. §1424-1 (establishing the Supreme Court of Guam as the highest court
3 of the territory). Federal courts have recognized the role of that Court as the final authority
4 on questions of territorial law within Guam's judicial system. *Guam v. Guerrero*, 290 F.3d
5 1210, 1214–15 (9th Cir. 2002) (recognizing the Supreme Court of Guam as the highest
6 court within Guam's judicial structure created by Congress). Congress also established a
7 specific appellate path governing review of decisions issued by the Supreme Court of
8 Guam. 48 U.S.C. §1424-2 (providing that final decisions of the Supreme Court of Guam
9 are reviewable only in the Supreme Court of the United States).

11 This statutory framework leaves no role for federal district courts in supervising or
12 interrupting proceedings of Guam's highest court. The District Court of Guam is not an
13 appellate tribunal for the Supreme Court of Guam. Allowing removal in this circumstance
14 would invert the judicial hierarchy Congress deliberately established. A federal district
15 court would assume authority to halt or control proceedings already pending before the
16 territory's court of last resort. Nothing in the federal removal statutes authorizes such a
17 result. Removal statutes must be strictly construed, and courts may not extend removal
18 jurisdiction beyond the limits Congress clearly enacted. *Shamrock Oil & Gas Corp. v.*
19 *Sheets*, 313 U.S. 100, 108–09 (1941) (holding that removal statutes must be narrowly
20 interpreted and doubts resolved against federal jurisdiction). Interpreting the removal
21 statutes to allow removal of proceedings pending before the Supreme Court of Guam
22 would fundamentally alter the judicial structure Congress established under the Organic
23 Act.
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25 The removal statutes provide no indication that Congress intended federal district
26 courts to exercise supervisory authority over territorial courts of last resort. Such authority
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2 would directly conflict with the appellate structure Congress enacted in 48 U.S.C. §1424-
3 2. The attempted removal therefore exceeds the scope of the federal removal statutes
4 and cannot confer jurisdiction on this Court.

5
6 **V. STRUCTURAL IMPOSSIBILITY OF FEDERAL SUPERVISION OF THE
7 SUPREME COURT OF GUAM**

8 The attempted removal creates a structural conflict with the judicial system
9 Congress established for Guam. The Organic Act establishes a territorial judiciary that
10 includes trial courts and a court of last resort. The Supreme Court of Guam occupies the
11 apex of that system and exercises final authority over questions of territorial law. 48
12 U.S.C. §1424-1 (establishing the Supreme Court of Guam as the highest court of the
13 territory).

14 Federal courts have recognized the significance of this structure. The Supreme
15 Court of Guam serves as the final interpreter of Guam law within the territory's judicial
16 system. *Guam v. Guerrero*, 290 F.3d 1210, 1214–15 (9th Cir. 2002) (recognizing the
17 Supreme Court of Guam as the highest court in Guam's judicial system created by
18 Congress under the Organic Act). Congress also established the exclusive mechanism
19 for federal review of decisions issued by the Supreme Court of Guam. 48 U.S.C. §1424-
20 2 (providing that final decisions of the Supreme Court of Guam are reviewable only in the
21 Supreme Court of the United States). This statutory framework reflects a deliberate
22 congressional choice. Federal district courts were not assigned any role in reviewing or
23 supervising proceedings of the Supreme Court of Guam. Review lies only in the Supreme
24 Court of the United States.
25

26 The removal attempted here would fundamentally disrupt that structure. Allowing
27 removal would permit a federal district court to interrupt proceedings already pending
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2 before the territory's court of last resort. The District Court of Guam would effectively
3 assume supervisory authority over Guam's highest court. Federal district courts possess
4 no such authority. The Supreme Court has long recognized that federal district courts lack
5 jurisdiction to exercise appellate review over decisions of state courts or courts of last
6 resort. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415–16 (1923) (holding that federal
7 district courts lack jurisdiction to review judgments of state Courts).
8

9 The Supreme Court reaffirmed this principle in *District of Columbia Court of*
10 *Appeals v. Feldman*, 460 U.S. 462, 476 (1983) (holding that federal district courts may
11 not exercise appellate review over decisions of courts of last resort). These principles
12 apply with equal force in the territorial context. Congress structured Guam's judiciary in a
13 manner that mirrors the relationship between state supreme courts and the federal
14 judiciary. Territorial Courts of last resort resolve questions of territorial law, and federal
15 review occurs only through the United States Supreme Court.
16

17 Allowing removal in this case would create precisely the type of jurisdictional
18 conflict that the Rooker–Feldman doctrine is designed to prevent. A federal district court
19 would assume authority to halt or interfere with proceedings of the Supreme Court of
20 Guam even though Congress provided that review of that Court's decisions lies
21 exclusively in the Supreme Court of the United States. The attempted removal therefore
22 conflicts with the structure of the Organic Act and exceeds the jurisdiction Congress
23 granted to federal district courts.
24

VI. ABSENCE OF FEDERAL QUESTION JURISDICTION

25 Federal subject-matter jurisdiction under 28 U.S.C. §1331 exists only when a
26 federal question appears on the face of the plaintiff's well-pleaded complaint. The
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Supreme Court established this rule more than a century ago in *Louisville & Nashville Railroad Co. v. Mottley*, 211 U.S. 149, 152 (1908) (establishing the “well-pleaded complaint rule,” under which federal jurisdiction exists only when a federal question appears on the face of the plaintiff’s complaint).

The well-pleaded complaint rule prevents parties from creating federal jurisdiction through defenses, anticipated defenses, or collateral federal issues. Jurisdiction must arise from the claims asserted by the party invoking judicial relief. The petition removed here does not assert a federal cause of action. The proceeding before the Supreme Court of Guam seeks declaratory interpretation of territorial law governing the structure of Guam’s government and the allocation of authority under Guam statutes. Questions concerning the internal distribution of power within the territorial government arise primarily under territorial law. Federal jurisdiction therefore cannot exist under the traditional well-pleaded complaint rule.

The Supreme Court has recognized a narrow exception in circumstances where a state-law claim necessarily raises a substantial and disputed federal issue. That exception is extremely limited. *Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 545 U.S. 308, 314 (2005) (holding that federal jurisdiction over state-law claims exists only where a federal issue is necessarily raised, actually disputed, substantial, and capable of resolution in federal court without disrupting the federal-state balance approved by Congress).

The Supreme Court later clarified this doctrine applies only in rare circumstances where a federal issue is central to the dispute. *Gunn v. Minton*, 568 U.S. 251, 258 (2013) (holding that federal jurisdiction over a state-law claim exists only when the federal issue

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is necessarily raised, actually disputed, substantial to the federal system as a whole, and capable of resolution in federal court without upsetting the balance of federal and state judicial responsibilities).

The present case does not satisfy any element of the *Grable–Gunn* framework. First, no federal issue is necessarily raised. The petition concerns the authority of Guam’s political branches under territorial statutes and the Organic Act. Courts regularly interpret the Organic Act in the course of resolving questions of territorial law. Such interpretation does not transform every territorial dispute into a federal question case.

Second, no substantial federal issue is implicated. The dispute concerns the internal allocation of authority between Guam’s executive and legislative branches. Resolution of that question does not affect the federal system as a whole. The Supreme Court has emphasized that the “substantiality” requirement focuses on the importance of the issue to the federal system, not merely to the parties involved in the dispute. *Gunn v. Minton*, 568 U.S. 251, 260 (2013) (explaining that a federal issue is substantial only when it is important to the federal system as a whole rather than merely significant to the particular parties).

Third, exercising federal jurisdiction over this dispute would disrupt the balance of judicial responsibilities that Congress established for Guam. Congress structured Guam’s judicial system so that territorial courts resolve questions of territorial law, subject to limited review in the Supreme Court of the United States. Allowing federal district courts to exercise jurisdiction over internal disputes concerning the allocation of power within Guam’s government would undermine that structure and convert routine territorial governance disputes into federal litigation.

1
2 Federal courts consistently reject attempts to invoke federal jurisdiction in disputes
3 that concern the internal operation of state or territorial governments when the claims
4 arise primarily under local law. The well-pleaded complaint rule therefore bars federal
5 jurisdiction in this case. The removal attempt seeks to manufacture federal jurisdiction by
6 characterizing the dispute as a federal constitutional question. The Supreme Court has
7 repeatedly rejected such attempts.
8

9 Federal jurisdiction cannot be created through artful pleading or through
10 recharacterization of a territorial dispute as a federal controversy. *Louisville & Nashville*
11 *Railroad Co. v. Mottley*, 211 U.S. 149, 152 (1908) makes clear that federal jurisdiction
12 must appear on the face of the claim itself. No such federal claim appears here. The
13 absence of a federal question independently eliminates federal jurisdiction.
14

15 VII. ROOKER–FELDMAN DOCTRINE

16 The Rooker–Feldman doctrine provides an additional and independent
17 jurisdictional barrier to the removal attempted in this case. Federal district courts lack
18 authority to exercise appellate review over decisions issued by courts of last resort within
19 state or territorial judicial systems.

20 The Supreme Court first articulated this limitation in *Rooker v. Fidelity Trust Co.*,
21 263 U.S. 413, 415–16 (1923) (holding that federal district courts lack jurisdiction to review
22 judgments rendered by state courts). The Court explained that federal review of such
23 decisions may occur only through the appellate jurisdiction of the Supreme Court of the
24 United States.
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26 The Supreme Court reaffirmed this principle in *District of Columbia Court of*
27 *Appeals v. Feldman*, 460 U.S. 462, 476 (1983) (holding that federal district courts lack
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jurisdiction to review final determinations of courts of last resort in judicial proceedings). The Court emphasized federal District Courts may not function as appellate tribunals for state or territorial courts. Together, these decisions establish the rule that federal District Courts may not exercise jurisdiction over cases that effectively seek review of proceedings pending before courts of last resort. The Supreme Court later clarified the scope of the doctrine in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005) (explaining that the Rooker–Feldman doctrine bars federal District Court jurisdiction over cases brought by parties seeking review of state-court judgments rendered before the federal proceedings commenced). The Court emphasized that federal District Courts lack authority to review or overturn decisions issued by courts operating within another sovereign judicial system.

The principles underlying the Rooker–Feldman doctrine apply with equal force in the territorial context. Congress established a judicial system for Guam in which the Supreme Court of Guam functions as the territory's court of last resort. 48 U.S.C. §1424-1 (establishing the Supreme Court of Guam as the highest court of the territory). Federal courts have recognized that role in interpreting the structure created by the Organic Act. *Guam v. Guerrero*, 290 F.3d 1210, 1214–15 (9th Cir. 2002) (recognizing the Supreme Court of Guam as the highest court within Guam's judicial system created by Congress). Congress also established the exclusive mechanism for federal review of decisions issued by the Supreme Court of Guam. 48 U.S.C. §1424-2 (providing that final decisions of the Supreme Court of Guam are reviewable only in the Supreme Court of the United States).

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2 This statutory structure mirrors the relationship between state Supreme Courts and
3 the federal judiciary. Territorial courts resolve questions of territorial law, and federal
4 review occurs only through the Supreme Court of the United States. The Notice of
5 Removal attempts to place this Court in the position of supervising or interrupting
6 proceedings pending before the Supreme Court of Guam. Such a result would effectively
7 transform the District Court of Guam into an appellate tribunal for the territory's highest
8 court. The *Rooker–Feldman* doctrine prohibits that result.

9
10 Federal district courts may not exercise jurisdiction over proceedings that seek to
11 review, halt, or undermine the authority of a court of last resort. Allowing removal here
12 would create precisely the type of jurisdictional conflict the doctrine was designed to
13 prevent.

14
15 The Supreme Court of Guam exercised jurisdiction over the petition before the
16 Notice of Removal was filed. The court designated the responding party and established
17 a briefing schedule. The federal removal therefore attempts to divest the Supreme Court
18 of Guam of jurisdiction it had already exercised. Federal District Courts possess no
19 authority to assume jurisdiction over such proceedings. The *Rooker–Feldman* doctrine
20 therefore independently bars federal jurisdiction in this case. Under 28 U.S.C. §1447(c)
21 (requiring remand when federal subject-matter jurisdiction is lacking), the Court must
22 remand the proceeding to the Supreme Court of Guam.

23 **VIII. FEDERAL OFFICER REMOVAL DOES NOT APPLY**

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25 The Notice of Removal cannot be sustained under the federal officer removal
26 statute. Congress enacted 28 U.S.C. §1442(a)(1) to permit removal by federal officers or
27 persons acting under federal authority when sued for actions taken under color of federal
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office. 28 U.S.C. §1442(a)(1) (authorizing removal by the United States, federal officers, or persons acting under federal authority for acts taken under color of federal office).

The statute reflects a limited purpose. Congress intended to protect federal officers from interference by state courts when those officers are carrying out duties imposed by federal law. The Supreme Court has repeatedly emphasized that removal under §1442 requires the removing party to demonstrate a specific connection between the challenged conduct and the execution of federal authority. *Mesa v. California*, 489 U.S. 121, 129 (1989) (holding that federal officer removal requires the removing party to assert a colorable federal defense and demonstrate that the challenged conduct was taken under color of federal office). The Court explained the statute applies only where the removing party establishes the acts at issue were performed pursuant to federal authority and that a federal defense is implicated. *Id.* at 131.

Federal courts applying this rule require the removing party to establish three elements: The removing party qualifies as a federal officer or a person acting under one; the conduct at issue was performed under color of federal office; and the removing party asserts a colorable federal defense. *Jefferson County v. Acker*, 527 U.S. 423, 431 (1999) (holding that federal officer removal requires a nexus between the defendant’s actions and federal authority as well as a colorable federal defense). None of those requirements is satisfied here.

Federal courts consistently reject attempts to invoke §1442 in disputes involving state or territorial officials acting solely under local law. The federal officer removal statute therefore provides no basis for federal jurisdiction in this case. The attempted removal instead reflects an effort to transform an internal territorial governance dispute into federal

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litigation. Congress did not enact §1442 to allow territorial officials to remove disputes involving territorial law.

Allowing removal here would expand the federal officer removal statute far beyond its intended scope and would undermine the careful jurisdictional limits Congress imposed. Federal courts must strictly construe removal statutes and resolve doubts against removal jurisdiction. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108–09 (1941) (holding that removal statutes must be narrowly interpreted and that doubts must be resolved against federal jurisdiction). The removing party therefore cannot rely on §1442 to establish federal jurisdiction. The absence of a valid federal officer removal basis independently requires remand under 28 U.S.C. §1447(c) (requiring remand whenever the District Court lacks subject-matter jurisdiction over a removed action).

IX. PROCEDURAL ABSURDITY DOCTRINE

The removal attempted in this case also fails under the well-established principle that federal statutes should not be interpreted to produce procedurally absurd results. Courts interpreting jurisdictional statutes must apply the language enacted by Congress in a manner consistent with the structure of the judicial system Congress created.

The Supreme Court has long recognized that statutory interpretation must avoid constructions that produce irrational or absurd outcomes. *United States v. Kirby*, 74 U.S. (7 Wall.) 482, 486 (1869) (holding that statutes should not be interpreted in a manner that produces absurd consequences inconsistent with the intent of Congress). The Court reaffirmed that principle in *Public Citizen v. United States Department of Justice*, 491 U.S. 440, 454–55 (1989) (explaining that courts should reject statutory interpretations that produce absurd or unreasonable results inconsistent with congressional intent).

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The interpretation of the federal removal statutes proposed in the Notice of Removal would produce precisely such an absurd result. Removal statutes authorize federal District Courts to assume jurisdiction over certain civil actions filed in state or territorial courts when Congress has granted federal jurisdiction over the underlying claims. 28 U.S.C. §1441(a) (authorizing removal of civil actions brought in state courts over which federal District Courts possess original jurisdiction). That statutory framework presumes the existence of a trial-level proceeding capable of being transferred into federal District Court. Removal operates as a change of forum, not as a mechanism for interrupting proceedings pending before courts of last resort. The removal attempted here disregards that structure entirely. The proceeding at issue was filed directly in the Supreme Court of Guam, the territory’s highest court. The Notice of Removal therefore attempts to transfer a proceeding already pending before a court of last resort into a federal trial court.

Such an interpretation would produce a procedurally impossible result. A federal District Court would effectively assume authority to halt or control proceedings pending before the Supreme Court of Guam. The District Court would exercise supervisory authority over the territory’s highest court even though Congress created a judicial structure in which review of that Court’s decisions lies only in the Supreme Court of the United States. Congress established that appellate structure in the Organic Act. 48 U.S.C. §1424-2 (providing that final decisions of the Supreme Court of Guam are reviewable only in the Supreme Court of the United States).

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Interpreting the removal statutes to allow removal from the Supreme Court of Guam would therefore invert the judicial hierarchy Congress established. A federal district court would assume authority to supervise proceedings of the territory’s highest court. Federal courts must avoid statutory interpretations that produce such structural conflicts.

The Supreme Court has repeatedly emphasized removal statutes must be strictly construed and may not be expanded beyond the limits Congress clearly enacted. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108–09 (1941) (holding that removal statutes must be narrowly interpreted and that doubts must be resolved against federal jurisdiction).

The interpretation advanced in the Notice of Removal would require the Court to adopt an expansive reading of the removal statutes that Congress never authorized. Such a reading would transform the District Court of Guam into a supervisory tribunal over the Supreme Court of Guam. No provision of federal law authorizes that result.

X. TERRITORIAL SELF-GOVERNMENT PRINCIPLES

The attempted removal also conflicts with the fundamental principles of territorial self-government established by Congress in the Organic Act of Guam. Congress enacted the Organic Act to create a system of local democratic governance in which Guam’s political institutions and courts exercise primary authority over matters of territorial law.

The Organic Act confirms that the people of Guam govern their internal affairs through their elected institutions. 48 U.S.C. §1423a (providing that the legislative power of Guam extends to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States applicable to Guam).

MOTION TO REMAND

IN RE: REQUEST OF LOURDES A. LEON GUERRERO, DISTRICT COURT CASE NO. 26-cv-00006

PHILLIPS & BORDALLO

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2 This statutory framework reflects Congress’s deliberate decision to vest primary
3 policymaking authority in Guam’s elected Legislature and to permit Guam’s courts to
4 interpret and apply territorial law within that framework. Federal courts have repeatedly
5 recognized the importance of preserving the autonomy of territorial institutions created
6 under the Organic Act. *Bordallo v. Baldwin*, 624 F.2d 932, 937 (9th Cir. 1980) (recognizing
7 that Congress granted Guam broad authority to manage its internal governmental affairs
8 through locally elected institutions). The Ninth Circuit explained the Organic Act was
9 designed to provide Guam with meaningful self-government and to ensure local policy
10 disputes would be resolved through Guam’s political and judicial processes.

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12 Respect for territorial self-government requires federal courts to exercise restraint
13 when disputes arise concerning the internal operation of Guam’s government. Federal
14 jurisdiction should not be expanded in a manner that disrupts the institutional framework
15 Congress created. The Supreme Court has emphasized federal courts must interpret
16 jurisdictional statutes in a way that respects the allocation of authority between federal
17 and local institutions. *Gunn v. Minton*, 568 U.S. 251, 264 (2013) (explaining that federal
18 jurisdiction must not disturb the congressionally approved balance between federal and
19 state judicial responsibilities).

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21 This principle applies with equal force in the territorial context. Guam’s courts serve
22 the same role within the territory that state courts serve within the federal system.
23 Territorial courts interpret territorial law, resolve disputes concerning the operation of
24 territorial government, and develop the body of local law governing the territory.

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26 The dispute at issue here concerns the internal structure of Guam’s government
27 and the allocation of authority among territorial institutions. Such disputes fall squarely
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2 within the domain of Guam's courts and political branches. Allowing removal in this
3 circumstance would undermine the system of territorial self-government Congress
4 established. Federal district courts would assume authority to supervise disputes
5 concerning the internal operation of Guam's government even though Congress
6 structured the Organic Act to place those questions primarily within the jurisdiction of
7 Guam's own institutions.
8

9 The Supreme Court has repeatedly cautioned that federal courts should avoid
10 interpretations of jurisdictional statutes that intrude unnecessarily into matters traditionally
11 resolved by local courts. *Louisville & Nashville Railroad Co. v. Mottley*, 211 U.S. 149, 152
12 (1908) (establishing the well-pleaded complaint rule and limiting federal jurisdiction to
13 cases in which a federal issue appears on the face of the plaintiff's claim).
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15 The well pleaded complaint rule preserves the proper balance between federal and
16 local judicial authority. Federal courts do not possess general supervisory jurisdiction over
17 disputes involving territorial governance. The removal attempted here would upset that
18 balance by transferring a dispute concerning the internal operation of Guam's government
19 from the Supreme Court of Guam into federal District Court.
20

XI. JUDICIAL ECONOMY AND COMITY STRONGLY FAVOR REMAND

21 Even if federal jurisdiction were theoretically available, principles of judicial
22 economy and comity strongly favor remand to the Supreme Court of Guam. Federal
23 courts consistently recognize that remand is appropriate where a removed case primarily
24 concerns issues of local law or the internal operation of a state or territorial government.
25 Courts should avoid unnecessary intrusion into matters that fall within the traditional
26 authority of local judicial institutions.
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2 The Supreme Court has emphasized that federal courts must exercise restraint
3 when federal jurisdiction would disrupt the balance between federal and local judicial
4 responsibilities. *Carnegie–Mellon University v. Cohill*, 484 U.S. 343, 350 (1988)
5 (recognizing that considerations of judicial economy, convenience, fairness, and comity
6 may justify declining federal jurisdiction and remanding cases to state courts).
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8 The Ninth Circuit has applied the same principles when determining whether
9 federal courts should retain jurisdiction over disputes involving predominantly local law.
10 *Harrell v. 20th Century Insurance Co.*, 934 F.2d 203, 205 (9th Cir. 1991) (holding that
11 federal courts should decline jurisdiction over disputes involving primarily state law where
12 principles of judicial economy and comity favor resolution in state court).
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14 The present dispute concerns the internal allocation of authority within Guam's
15 government and the interpretation of territorial statutes enacted by the Guam Legislature.
16 Questions of territorial governance and statutory interpretation fall squarely within the
17 expertise of Guam's own courts. The Supreme Court of Guam had already exercised
18 jurisdiction over the Petition before the Notice of Removal was filed. The Supreme Court
19 designated the responding party and established a briefing schedule for resolution of the
20 issues presented. Allowing removal at this stage would disrupt those proceedings and
21 require a federal District Court to duplicate work already undertaken by the territory's
22 highest court. Such duplication would undermine the efficient administration of justice.
23

24 **XII. TERRITORIAL SELF-GOVERNMENT PRINCIPLES REQUIRE FEDERAL
COURTS TO RESPECT THE ORGANIC ACT STRUCTURE**

25 The attempted removal also conflicts with the system of territorial self-government
26 Congress established through the Organic Act of Guam. Congress enacted the Organic
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2 Act to create a functioning democratic government for the territory in which local
3 institutions exercise primary authority over matters of territorial law and governance.

4 The Organic Act expressly grants Guam's elected Legislature broad lawmaking
5 authority over the internal affairs of the territory. 48 U.S.C. §1423a (providing that the
6 legislative power of Guam extends to all rightful subjects of legislation not inconsistent
7 with the Constitution and laws of the United States applicable to Guam).
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9 This grant of legislative authority reflects Congress's decision to allow Guam's
10 people to govern their internal affairs through locally elected institutions rather than
11 through federal supervision. Territorial courts play a central role in maintaining that
12 system of self-government by interpreting Guam law and resolving disputes involving the
13 operation of territorial institutions.
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15 Federal courts have repeatedly recognized the significance of this structure. The
16 Ninth Circuit has explained that the Organic Act was designed to provide Guam with
17 meaningful control over its internal governmental affairs. *Bordallo v. Baldwin*, 624 F.2d
18 932, 937 (9th Cir. 1980) (recognizing that Congress granted Guam broad authority to
19 manage its internal governmental affairs through locally elected institutions created under
20 the Organic Act).

21 The Supreme Court has emphasized that federal jurisdiction must be exercised in
22 a manner consistent with the balance between federal and local judicial responsibilities
23 established by Congress. *Gunn v. Minton*, 568 U.S. 251, 264 (2013) (holding that federal
24 jurisdiction must not disturb the congressionally approved balance between federal and
25 state judicial responsibilities). This principle applies equally in the territorial context.
26 Guam's courts perform the same function within the territory that state courts perform
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MOTION TO REMAND

IN RE: REQUEST OF LOURDES A. LEON GUERRERO, DISTRICT COURT CASE NO. 26-cv-00006

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2 within the federal system. Territorial courts interpret territorial statutes, resolve disputes
3 concerning the operation of territorial government, and develop the body of law governing
4 local institutions.

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6 The dispute at issue here concerns the internal structure of Guam's government
7 and the allocation of authority among territorial institutions. Questions of that nature fall
8 squarely within the jurisdiction and expertise of Guam's courts. Allowing removal in this
9 circumstance would undermine the system of territorial self-government Congress
10 established in the Organic Act. A federal District Court would assume authority to
11 supervise a dispute involving the internal operation of Guam's government even though
12 Congress structured the Organic Act to place such questions primarily within the
13 jurisdiction of Guam's own institutions.

XIII. REQUEST FOR ATTORNEYS' FEES AND COSTS

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15 The Guam Legislature also requests an award of attorneys' fees and costs
16 incurred as a result of the improper removal. Congress expressly authorized such awards
17 in 28 U.S.C. §1447(c) (authorizing federal courts to require payment of just costs and any
18 actual expenses, including attorneys' fees, incurred as a result of removal). The Supreme
19 Court has explained fee awards are appropriate where the removing party lacked an
20 objectively reasonable basis for seeking removal. *Martin v. Franklin Capital Corp.*, 546
21 U.S. 132, 141 (2005) (holding that courts may award attorneys' fees under §1447(c)
22 where the removing party lacked an objectively reasonable basis for removal).
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24 The removal attempted here lacks any objectively reasonable jurisdictional basis.
25 The removal statutes do not authorize removal by non-defendants, removal from courts
26 of last resort, or removal of disputes involving the internal governance of territorial
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MOTION TO REMAND

IN RE: REQUEST OF LOURDES A. LEON GUERRERO, DISTRICT COURT CASE NO. 26-cv-00006

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2 institutions. The jurisdictional defects discussed throughout this motion were readily
3 apparent from the face of the Notice of Removal.

4 An award of fees and costs serves the purpose identified in *Martin* at 140
5 (explaining that fee awards under §1447(c) deter improper removal and compensate
6 parties forced to litigate jurisdiction unnecessarily). The Guam Legislature therefore
7 respectfully requests this Court award reasonable attorneys' fees and costs incurred as
8 a result of the improper removal.
9

10 **XIV. CONCLUSION**

11 For all of these reasons, Respondent / *Mina'trentai Ocho Na Liheslaturan Guåhan*
12 respectfully requests this Court:

- 13 1. Remand this action to the Supreme Court of Guam pursuant to 28 U.S.C.
14 §1447(c);
15 2. Award the Guam Legislature its costs and attorneys' fees incurred as a
16 result of the improper removal pursuant to 28 U.S.C. §1447(c); and
17 3. Grant such other and further relief as the Court deems just and proper.
18

19 Respectfully submitted this 16th day of March, 2026.

20 **PHILLIPS & BORDALLO, P.C.,**

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22 **By: DARLEEN EUSTAQUIO HITON PHILLIPS**
23 **Attorney for Respondent**