IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

CAREER COLLEGES & SCHOOLS OF TEXAS,

Plaintiff,

v..

Case No. 4:23-cv-206-P

U.S. DEPARTMENT OF EDUCATION, $et \ al.$,

Defendants.

DEFENDANTS' MOTION TO DISMISS OR TRANSFER

Pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a), Defendants hereby move to dismiss this case because the Northern District of Texas is not an appropriate venue for Plaintiff's claims. In the alternative, Defendants move for an order transferring this case to the United States District Court for the District of Columbia or to the Austin Division of the Western District of Texas, pursuant to 28 U.S.C. § 1406(a) or (if the Court finds appropriate) 28 U.S.C. § 1404(a).

Dated: March 17, 2023 Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General

MARCIA BERMAN Assistant Branch Director

/s/ Cody T. Knapp CHRISTINE L. COOGLE CODY T. KNAPP (NY #5715438) R. CHARLIE MERRITT Trial Attorneys

U.S. Department of Justice Civil Division Federal Programs Branch 1100 L St. NW Washington, D.C. 20005 Telephone: (202) 532-5663 Facsimile: (202) 616-8470

E-mail: cody.t.knapp@usdoj.gov

 $Counsel\ for\ Defendants$

CERTIFICATE OF CONFERENCE

I hereby certify that, on March 13, 2023, counsel for Defendants contacted counsel for Plaintiff to obtain Plaintiff's position on a motion to transfer this case to the District of Columbia or to the Western District of Texas. I further certify that, on March 15, 2023, counsel for Plaintiff reported Plaintiff's position as follows: "we do not consent to a motion along the lines that you describe." The following attorneys were parties to these communications:

For Plaintiff: Michael Murray; Allyson Baker; Sameer P. Sheikh.

For Defendants: R. Charlie Merritt; Cody T. Knapp; Christine L. Coogle.

/s/ Cody T. Knapp CODY T. KNAPP