

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 14-41332  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 9, 2015

Lyle W. Cayce  
Clerk

JIANGSHAN XIAO; JS MULTI-TRADING, INCORPORATED,

Plaintiffs - Appellants

v.

JEH JOHNSON, Secretary, Department of Homeland Security; LAURA  
ZUCHOWSKI, Director, Vermont Service Center,

Defendants - Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:13-CV-107

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Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appellants Jiangshan Xiao, a citizen of South Africa, and JS Multi-  
Trading, Incorporated, a Texas corporation, appeal a summary judgment grant  
to Appellees in a suit challenging the Administrative Appeals Office's (AAO)

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not  
be published and is not precedent except under the limited circumstances set forth in 5TH  
CIR. R. 47.5.4.

## No. 14-41332

dismissal of an appeal from a decision of the United States Citizenship and Immigration Services (USCIS) denying Appellants' petition for an L-1A visa.<sup>1</sup>

Xiao has served as president of a South African company called JS Multi-Trading, CC, since 2003.<sup>2</sup> He was admitted to the United States as a nonimmigrant visitor for pleasure around July 3, 2011, with authorization to remain until January 2, 2012. While in the United States, Xiao incorporated Appellant JS Multi-Trading, a subsidiary of JS Multi-Trading, CC, "for the purpose of exporting domestic and foreign auto parts to Africa and operat[ing] as a full-featured retail auto-parts store."<sup>3</sup> On December 23, 2011, Appellant JS Multi-Trading filed a petition to classify Xiao as an L-1A nonimmigrant intracompany transferee. The USCIS denied Appellants' petition.<sup>4</sup> Appellants appealed the decision of the USCIS to the AAO, which dismissed their appeal.<sup>5</sup>

Appellants then filed this suit in federal district court, asking the court to vacate the judgment of the AAO and grant their petition for an L1-A visa. The case was assigned to a magistrate judge, who offered a plain description of the facts and law and recommended that summary judgment be granted in favor of Appellees. The district court adopted the report and recommendation of the magistrate judge, granted Appellees' motion for summary judgment, and denied Appellants' cross-motion for summary judgment. We AFFIRM for essentially the reasons stated in the careful report of the magistrate judge adopted by the district court.

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<sup>1</sup> See 8 U.S.C. § 1101(a)(15)(L) (excluding from the definition of "immigrant" "an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge").

<sup>2</sup> R.63.

<sup>3</sup> *Id.*

<sup>4</sup> R.16-20.

<sup>5</sup> R.22-30.