

ADAM GORDON
United States Attorney
ERIN M. DIMBLEBY
Assistant U.S. Attorney
California Bar No. 323356
MARY CILE GLOVER-ROGERS
Assistant U.S. Attorney
California Bar No. 321254
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
Telephone: (619) 546-6987/7643
Facsimile: (619) 546-7751
Email: erin.dimbleby@usdoj.gov
Email: mary.glover-rogers@usdoj.gov

Attorneys for Respondents

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THOTH SUN,

Petitioner,

v.

Kristi NOEM, Secretary, Department of
Homeland Security; Pam BONDI, Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Todd LYONS,
Executive Associate Director of ICE
Enforcement and Removal
Operations (ERO); Gregory J.
ARCHAMBEAULT, Director, San Diego
Filed Office, Immigration and Customs
Enforcement; Christopher J. LAROSE,
Warden, Otay Mesa Detention Center,

Respondents.

Case No.: 25-cv-2433-CAB-MMP

**NOTICE OF ERRATA RE:
RESPONDENTS' RESPONSE
IN OPPOSITION TO
PETITIONER'S HABEAS
PETITION AND
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER [ECF NO. 8]**

On September 24, 2025, Respondents filed a response in opposition to Petitioner's first amended habeas petition and application for temporary restraining order (Response), along with an accompanying declaration of Deportation Officer Jason Cole (DO Cole) and table of exhibits. *See* ECF Nos. 8, 8-1, and 8-2. The Response and Declaration contain two errors: (1) reference to Petitioner being released from immigration custody on August 8, 2024; and (2) reference to Petitioner being detained on September 13, 2025. ECF Nos. 8 at 2 and 8-1 at ¶¶ 4, 6. The following information is provided to correct the factual background of the Response and DO Cole's Declaration. An amended and supplemental declaration of DO Cole and supplemental table of exhibits is filed contemporaneously herewith.

- On August 6, 2004, Petitioner was released from immigration custody under an order of supervision because Immigration and Customs Enforcement (ICE) was unable to obtain a travel document.
- As to Petitioner's most recent detention in 2025, ICE's initial Warrant for Arrest of Alien, Form I-200, is dated September 4, 2025. *See* Supplemental Table of Exhibits. ICE re-detained Petitioner on September 12, 2025, pursuant to the Warrant for Arrest, to execute his removal order to Cambodia. ICE subsequently issued a Warrant for Removal, Form I-205, dated September 13, 2025. *See* ECF No. 8-2 at 3-4.

DATED: September 29, 2025

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Mary Cile Glover-Rogers
MARY CILE GLOVER-ROGERS
Assistant United States Attorney
Attorney for Respondents

1 ADAM GORDON
United States Attorney
2 ERIN M. DIMBLEBY
Assistant U.S. Attorney
3 California Bar No. 323356
MARY CILE GLOVER-ROGERS
4 Assistant U.S. Attorney
California Bar No. 321254
5 Office of the U.S. Attorney
880 Front Street, Room 6293
6 San Diego, CA 92101-8893
Telephone: (619) 546-6987/7643
7 Facsimile: (619) 546-7751
Email: erin.dimbleby@usdoj.gov
8 Email: mary.glover-rogers@usdoj.gov

9 Attorneys for Respondents

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 THOTH SUN,

13 Petitioner,

14 v.

15 Kristi NOEM, Secretary, Department of
16 Homeland Security; Pam BONDI, Attorney
General; EXECUTIVE OFFICE FOR
17 IMMIGRATION REVIEW; Todd LYONS,
18 Executive Associate Director of ICE
Enforcement and Removal
19 Operations (ERO); Gregory J.
20 ARCHAMBEAULT, Director, San Diego
Filed Office, Immigration and Customs
21 Enforcement; Christopher J. LAROSE,
22 Warden, Otay Mesa Detention Center,

23 Respondents.
24
25
26
27
28

Case No.: 25-cv-2433-CAB-MMP

**SUPPLEMENTAL AND
AMENDED DECLARATION
OF JASON COLE**

1 I, Jason Cole, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of
2 perjury that the following statements are true and correct, to the best of my knowledge,
3 information, and belief:

4 1. I am currently employed by the U.S. Department of Homeland Security
5 (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal
6 Operations (ERO), as a Deportation Officer (DO) assigned to the Otay Mesa suboffice
7 of the ICE ERO San Diego Field Office.

8 2. I have been employed by ICE as a law enforcement officer since
9 September 28, 2020, serving as a DO since September 28, 2020. I currently remain
10 serving in that position. As a DO, my responsibilities include case management of
11 individuals detained by ICE at the Otay Mesa Detention Center in Otay Mesa, California.
12 I have access to government databases and documentation relating to Petitioner, Thoth
13 Sun (Petitioner). This declaration is based upon my personal knowledge and experience
14 as a law enforcement officer and information provided to me in my official capacity as
15 a DO for the Otay Mesa suboffice of the ICE ERO San Diego Field Office.

16 3. On April 14, 2004, Petitioner was detained in immigration custody.

17 4. On May 3, 2004, Petitioner was ordered removed to Cambodia. Petitioner
18 waived appeal on this order of removal, therefore, the order became final on May 3,
19 2004.

20 5. On August 6, 2004, Petitioner was released from ICE custody under an
21 order of supervision because ICE was unable to obtain a travel document. My
22 Declaration dated September 23, 2025, erroneously stated Petitioner was released on
23 August 8, 2004. *See* ECF No. 8-1 at 2, ¶ 4.

24 6. On June 8, 2007, Petitioner was re-detained to execute his removal order
25 to Cambodia. He was subsequently released on June 22, 2007.

26 7. As to Petitioner's most recent detention, ICE's initial Warrant for Arrest
27 of Alien, Form I-200 is dated September 4, 2025. ICE re-detained Petitioner on
28 September 12, 2025 pursuant to the Warrant for Arrest, to execute his removal order to
Cambodia. ICE subsequently issued a Warrant for Removal, Form I-205 dated

1 September 13, 2025. The Warrant for Removal is the arrest form referred to in my
2 Declaration dated September 23, 2025, and I erroneously stated Petitioner was re-
3 detained on September 13, 2025. *See* ECF No. 8-1 at 2, ¶ 4.

4 8. ICE is not currently seeking to remove Petitioner to a third country.

5 9. To effectuate Petitioner's removal to Cambodia, ERO must acquire a travel
6 document and schedule a flight for Petitioner. Since Petitioner was re-detained, ERO
7 has worked expeditiously to effectuate Petitioner's removal to Cambodia. These
8 removal efforts remain ongoing.

9 10. ERO is currently putting together a travel document request to send to
10 Cambodian embassy. Petitioner will be provided with documentation to complete in
11 order for ERO to request a travel document from Cambodia.

12 11. ICE routinely obtains travel documents for Cambodian citizens.

13 12. I am aware of no barrier to the consulate's issuance of a travel document
14 for Petitioner.

15 13. ICE has removed several Cambodian citizens to Cambodia as recently as
16 September 2, 2025.

17 14. Once a travel document is issued for Petitioner, his removal can be affected
18 promptly.

19 I declare under penalty of perjury of the laws of the United States of America that
20 the foregoing is true and correct.

21 Executed this 29 day of September 2025.

JASON N
COLE

Digitally signed by JASON N COLE
Date: 2025.09.29 13:26:44 -0700

22 _____
23 Jason Cole
24 Deportation Officer
25 San Diego Field Office
26
27
28

ADAM GORDON
United States Attorney
ERIN M. DIMBLEBY
Assistant U.S. Attorney
California Bar No. 323356
MARY CILE GLOVER-ROGERS
Assistant U.S. Attorney
California Bar No. 321254
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
Telephone: (619) 546-6987/7643
Facsimile: (619) 546-7751
Email: erin.dimbleby@usdoj.gov
Email: mary.glover-rogers@usdoj.gov

Attorneys for Respondents

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THOTH SUN,

Petitioner,

v.

Kristi NOEM, Secretary, Department of
Homeland Security; Pam BONDI, Attorney
General; Todd LYONS,
Executive Associate Director of ICE
Enforcement and Removal
Operations (ERO); Gregory J.
ARCHAMBEAULT, Director, San Diego
Filed Office, Immigration and Customs
Enforcement; Christopher J. LAROSE,
Warden, Otay Mesa Detention Center,

Respondents.

Case No.: 25-cv-2433-CAB-MMP

**SUPPLEMENTAL TABLE OF
EXHIBITS IN SUPPORT OF
RESPONDENTS' RESPONSE
IN OPPOSITION TO
PETITIONER'S FIRST
AMENDED HABEAS
PETITION AND
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

Exhibits:

3. Warrant of Arrest of Alien

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____

Date: 09/04/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that SUN, THOTH is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

T. D03025 WALKENHORST - SDDO

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on SUN, THOTH on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)