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16 Attorneys for Respondents

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

19 THOTH SUN,

20 Petitioner,

21 v.

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

29 Respondents.

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

31 **JOINT MOTION TO**
32 **WITHDRAW PETITIONER'S**
33 **MOTION FOR PRELIMINARY**
34 **INJUNCTION AND VACATE**
35 **HEARING ON ORDER TO**
36 **SHOW CAUSE**

1 COME NOW THE PARTIES, Petitioner Thoth Sun (Petitioner), by and through
2 their counsel, Stacy Tolchin, and Defendants Kristi Noem, et al., by and through their
3 counsel, Adam Gordon, United States Attorney, and Erin Dimbleby and Mary Cile
4 Glover-Rogers Assistant United States Attorneys, and hereby enter a joint motion on
5 the terms below, subject to court approval. Further, based upon the parties' agreement,
6 the parties jointly move the Court for an order vacating the October 14, 2025 hearing
7 on the Court's order to show cause. Good cause exists for this joint request.

8 Consistent with the Court's order dated September 30, 2025, ECF No. 15, U.S.
9 Immigration and Customs Enforcement (ICE) will not re-detain Petitioner unless his
10 removal to Cambodia becomes immediately feasible with a valid travel document, he
11 violates one or more terms of the conditions of his release, or another lawful basis for
12 his detention arises. Additionally, at such time removal becomes immediately feasible
13 or required as described above, ICE will provide Petitioner with notice of removal as
14 required under *Chhoeun v. Marin*, 17-cv-1989-CJC-GJS, ECF No. 336 (Apr. 27, 2020).
15 Based upon the foregoing, Petitioner stipulates to withdraw his motion for preliminary
16 injunction (ECF No. 7). Further, the parties are working towards an extrajudicial
17 resolution on some or all of the issues raised in Petitioner's habeas petition and request
18 thirty days to meet and confer before requiring any response to Petitioner's habeas
19 petition.

20 Based upon the foregoing stipulation, it is respectfully requested that the Court
21 enter an order vacating the October 14, 2025 order to show cause hearing, approving
22 the terms of this joint motion, and requiring the parties to file a joint status report no
23 later than November 10, 2025.

24 Respectfully submitted,

25 DATED: October 14, 2025

26 LAW OFFICES OF STACY TOLCHIN

27 *s/ Stacy Tolchin*
STACY TOLCHIN
Attorneys for Plaintiff

1 DATED: October 14, 2025
2

ADAM GORDON
United States Attorney

3 *s/Mary Cile Glover-Rogers*
4 MARY CILE GLOVER-ROGERS
5 Assistant United States Attorney
6 Attorney for Respondents

7 **SIGNATURE CERTIFICATION**

8 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
9 and Procedures of the United States District Court for the Southern District of
10 California, I hereby certify that the content of this document is acceptable to Stacy
11 Tolchin, counsel for Plaintiff, and that I have obtained Ms. Tolchin's authorization to
12 affix her electronic signature to this document.

13 DATED: October 14, 2025
14

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