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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  
21 Filed Office, Immigration and Customs  
Enforcement; Christopher J. LAROSE,  
22 Warden, Otay Mesa Detention Center,

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

**JOINT MOTION TO  
WITHDRAW PETITIONER'S  
MOTION FOR PRELIMINARY  
INJUNCTION AND VACATE  
HEARING ON ORDER TO  
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 Dimpleby 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  
25 DATED: October 14, 2025

Respectfully submitted,  
LAW OFFICES OF STACY TOLCHIN  
*s/ Stacy Tolchin*  
STACY TOLCHIN  
Attorneys for Plaintiff

1 DATED: October 14, 2025

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  
15 MARY CILE GLOVER-ROGERS  
16 Assistant United States Attorney  
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