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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHUNY TOUCH,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security, *et al.*,

Respondents.

Case No. 26-cv-02607-RBM-AHG

**JOINT MOTION TO VACATE
ORDER TO SHOW CAUSE**

On April 24, 2026, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he challenges his detention by Immigration and Customs Enforcement (ICE). ECF No. 1. The same day, the Court issued an order that set certain filing deadlines and enjoined Respondents from removing Petitioner from the United States or this District. ECF No. 5. Respondents' counsel and Petitioner's counsel have conferred on Petitioner's desire to be removed from the United States and Respondents' have tentatively scheduled Petitioner's removal to occur within the next ten days.

Based on the foregoing, the parties request that the Court issue an order: (1) vacating its April 24, 2026 Order, ECF No. 5; (2) confirming that Respondents are *not* precluded from removing Petitioner from the United States during the pendency of this habeas action; and (3) extending the deadline to May 15, 2026, for the

1 government's return.

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3 Dated: May 1, 2026

Respectfully submitted,

4 s/ Kara Lee Hartzler

KARA LEE HARTZLER

5 Federal Defenders of San Diego, Inc.

6 Attorney for Petitioner

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8 Dated: May 1, 2026

Respectfully submitted,

9 ADAM GORDON

10 United States Attorney

11 s/Hunter V. Norton

HUNTER V. NORTON

12 Assistant United States Attorney

13 Attorney for Respondents

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15 **SIGNATURE CERTIFICATION**

16 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
17 and Procedures of the United States District Court for the Southern District of
18 California, I hereby certify that the content of this document is acceptable to Kara Lee
19 Hartzler, counsel for Petitioner, and that I have obtained Ms. Hartzler's authorization to
20 affix her electronic signature to this document.

21 Dated: May 1, 2026

22 s/Hunter V. Norton

HUNTER V. NORTON

23 Assistant United States Attorney