

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ERICK LEONEL CRISTAL CUMES,

Petitioner,

v.

DAVID VENTURELLA, Acting Director,
United States Immigration and Customs
Enforcement; MARKWAYNE MULLIN,
Secretary of Homeland Security; TODD
BLANCHE, Acting United States Attorney
General; JOHN RIFE, Field Office
Director, Philadelphia Field Office, United
States Immigration and Customs
Enforcement; *in their official capacities*,

Respondents.

Civ. Act. No.: 1:26-cv-00056
Hon. Thomas S. Kleeh

MOTION FOR WRIT OF HABEAS CORPUS *AD TESTIFICANDUM*
FOR PETITIONER

NOW COMES the Petitioner, Erick Leonel Cristal Cumes, by and through counsel, and respectfully requests that this Honorable Court issue a writ of habeas corpus *ad testificandum* pursuant to 28 U.S.C. § 2241(c)(5) and 28 U.S.C. § 2243, to secure his transport for the show cause hearing scheduled in this matter. Petitioner is currently incarcerated at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania. Petitioner seeks transport to the United States Courthouse at 500 West Pike Street, Clarksburg, WV, for the hearing on his Petition for Writ of Habeas Corpus, currently set for **June 25, 2026, at 1:00 P.M.**

It is well established that this Court has authority to enter a writ securing such transport. *See Muhammad v. Warden, Baltimore City Jail*, 849 F.2d 107, 114 (4th Cir. 1988) (noting that a district court in Maryland had authority to issue a writ of habeas corpus *ad testificandum* to secure

transport to Maryland for an inmate being held in Indiana). *See also* 28 U.S.C. § 2243 (“Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.”); *Linarez Vilchez v. Kluemper*, 3:26-cv-00261, ECF No. 18 (S.D.W. Va.) (Chambers, J.) (Writ of Habeas Corpus Ad Testificandum issued at the request of habeas petitioner held in ICE custody in Pennsylvania).

WHEREFORE, Petitioner respectfully requests an order directing the issuance of a writ of habeas corpus *ad testificandum* out of and under the seal of this Court, directed to the official responsible for the custody of Petitioner Erick Leonel Cristal Cumes, and commanding Respondents in this matter, or alternatively the U.S. Marshals, to produce Petitioner at the United States Courthouse at 500 West Pike Street, Clarksburg, WV on **June 25, 2026**, at **11:00 A.M.**

Dated: June 17, 2026

**Respectfully submitted,
COUNSEL FOR PETITIONER**

/s/ Jonathan Sidney
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