

**FOR THE NORTHER DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

ERICK LEONEL CRISTAL CUMES,

Petitioner,

**Civil Action No. 1:26-CV-00056
(KLEEH)**

v.

TODD M. LYONS, 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.

**COMBINED RESPONSE IN OPPOSITION TO MOTION
FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM
AND MOTION FOR PETITIONER TO APPEAR VIRTUALLY**

NOW COME the Respondents Todd Lyons, Acting Director of Immigration and Customs Enforcement (“ICE”); Markwayne Mullin, Secretary of U.S. Department of Homeland Security (“DHS”); Todd Blanche, Acting United States Attorney General; and John Rife, Field Office Director for ICE in Philadelphia (“Respondents”), by and through counsel and hereby responds in opposition to Petitioner’s *Motion for Writ of Habeas Corpus ad Testificandum for Petitioner* [Doc. 16], and request that Petitioner be permitted to attend the hearing currently scheduled for Thursday, June 26, 1:00 PM virtually.

Petitioner requests the Court enter an Order directing Respondents produce the Petitioner at the United States Courthouse at 500 West Pike Street, Clarksburg, WV, for the hearing set for June 25, 2026 at 1:00 PM in this matter. Petitioner is not confined within the Northern District of

West Virginia; he is currently confined at Moshannon Valley Processing Center in Pennsylvania. *Kanai v. McHugh*, 638 F.3d 251, 255 (4th Cir. 2011) (“When a petitioner is physically detained ... the ‘district of confinement’ necessarily is the location of both the habeas petitioner and the immediate custodian”). As Petitioner notes, 28 U.S.C. § 2243 states that “[u]nless 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.” Here, Respondent views the issues to be those of law: primarily those of jurisdiction and the applicability of 8. U.S.C. § 1225 and 8. U.S.C. § 1226. Petitioner’s presence would not assist the Court.

Finally, Respondents can arrange for virtual participation in the hearing if the Court finds it merited. An Order mandating transfer for the purposes of this hearing would create an undue burden on Respondents that can be avoided by permitting virtual attendance.

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Director, Philadelphia Field Office, United
States Immigration and Customs
Enforcement; *in their official capacities,***

Respondents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of **COMBINED RESPONSE IN OPPOSITION TO MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM AND MOTION FOR PETITIONER TO APPEAR VIRTUALLY** was electronically filed with the Clerk of the Court by using the CM/ECF system on the 18th day of June, 2026, which will provide a copy to all counsel of record.

**MATTHEW L. HARVEY
UNITED STATES ATTORNEY**

By: /s/ Jordan V. Palmer
**Assistant United States Attorney
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United States Attorney's Office**