

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JOSE CASTRO-CRUZ,

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-00062
Hon. Thomas S. Klech**

**MOTION FOR WRIT OF HABEAS CORPUS *AD TESTIFICANDUM*
FOR PETITIONER¹**

NOW COMES the Petitioner, Jose Castro-Cruz, 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 2:00 P.M.**

It is well established that this Court has authority to enter a writ securing such transport.

¹ Pursuant to Fed. R. Civ. P. 25(d), David Venturella is automatically substituted for Todd Lyons as a Respondent following Mr. Lyons' resignation.

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.”); *Linares 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 Jose Castro-Cruz, 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

Jonathan Sidney
Admitted *Pro Hac Vice*
Colorado Bar No. 52463
Ohio Bar No. 0100561
P.O. Box 97
Forest Hill, WV
Phone: (681) 335-0074
jsidney@climatedefenseproject.org

/s/ Sarah K. Brown

Sarah K. Brown (WVSB #10845)
Mountain State Justice, Inc.
1217 Quarrier St.
Charleston, WV 25301
Phone: (304) 344-3144
sarah@msjlaw.org