

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SERGIO ALBERTO BARCO MERCADO, on his own
behalf and on behalf of others similarly situated,

Plaintiffs,

v.

KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security, in her official capacity;
DEPARTMENT OF HOMELAND SECURITY;
TODD LYONS, Acting Director, Immigration and
Customs Enforcement, in his official capacity;
IMMIGRATION AND CUSTOMS ENFORCEMENT;
MARCOS CHARLES, Acting Executive Associate
Director, Immigration and Customs Enforcement,
Enforcement and Removal Operations, in his official
capacity; LADEON FRANCIS, Acting Field Office
Director of New York, Immigration and Customs
Enforcement, in his official capacity;

Defendants.

Case No. 25 Civ. 6568

**DECLARATION OF HEATHER GREGORIO
IN SUPPORT OF PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER**

I, Heather Gregorio, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.
2. I am a Partner at Wang Hecker LLP and am admitted to practice law in the State of New York and before this Court.
3. I submit this declaration in support of Plaintiffs' Motion for a Temporary Restraining Order in the above-captioned matter.

4. A true and correct copy of U.S. Immigration and Customs Enforcement, Directive 11087.2, “Operations of ERO Holding Facilities” is attached as **Exhibit 1**.

5. A true and correct copy of cited excerpts of the U.S. Immigration and Customs Enforcement, National Detention Standards is attached as **Exhibit 2**.

6. A true and correct copy of ICE’s Non-Dedicated Intergovernmental Service Agreement Standards is attached as **Exhibit 3**.

7. A true and correct copy of ICE’s “Nationwide Hold Room Waiver” Memorandum is attached as **Exhibit 4**.

8. A true and correct copy of the article by Luis Ferré-Sadurní, *Video Taken by Migrant Shows Overcrowded ICE Holding Cell in Manhattan*, N.Y. Times, July 22, 2025, available at <https://www.nytimes.com/2025/07/22/nyregion/video-immigration-holding-cells-overcrowded-unsanitary.html>, is attached as **Exhibit 5**.

9. A true and correct copy of the article by Alice Gainer, *Video Shows Conditions Inside NYC’s ICE Processing Center at 26 Federal Plaza*, CBS News, July 23, 2025, available at <https://www.cbsnews.com/newyork/news/nyc-ice-processing-center-26-federal-plaza-video/>, is attached as **Exhibit 6**.

10. A true and correct copy of the article by Joe Torres, *NYC Leaders Call for Inspection After Video Shows Poor Conditions at Federal Plaza Detention Center*, ABC News, July 23, 2025, available at <https://abc7ny.com/post/nyc-leaders-call-inspection-video-shows-poor-conditions-26-federal-plaza-detention-center-manhattan/17262378/>, is attached as **Exhibit 7**.

11. A true and correct copy of the article by Arya Sundaram, *‘They’re Killing Us’: Immigrants Complain of Inhumane Conditions Inside NYC Holding Site*, Gothamist, July 9,

2025, available at <https://gothamist.com/news/theyre-killing-us-immigrants-complain-of-inhumane-conditions-inside-nyc-holding-site>, is attached as **Exhibit 8**.

12. A true and correct copy of the article by Emily Ngo, *Is 26 Fed a Detention Facility?*, Politico, July 22, 2025, available at <https://www.politico.com/newsletters/new-york-playbook-pm/2025/07/22/ice-federal-plaza-detention-facility-00467839>, is attached as **Exhibit 9**.

13. A true and correct copy of the article by Luis Ferré-Sadurní, *Immigrants File Class-Action Lawsuit to Stop Courthouse Arrests*, N.Y. Times, July 16, 2025, available at <https://www.nytimes.com/2025/07/16/nyregion/trump-ice-arrests-lawsuit-immigrants.html>, is attached as **Exhibit 10**.

14. I declare under penalty of perjury that the foregoing is true and correct.

DATED: New York, New York
August 8, 2025

/s/ Heather Gregorio
Heather Gregorio

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, I served by electronic mail this Declaration in Support of Plaintiffs' Motion for a Temporary Restraining Order upon the following counsel:

Jeffrey Oestericher, Jeffrey.Oestericher@usdoj.gov and
Brandon Waterman, Brandon.Waterman@usdoj.gov

DATED: New York, New York
August 8, 2025

/s/ Heather Gregorio
Heather Gregorio