

**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,

Plaintiff,

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

MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that Plaintiff hereby moves this Court for an order certifying the following class pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure: “all immigration detainees who are detained and those who will be detained in the future by U.S. Immigration and Customs Enforcement at 26 Federal Plaza, New York, NY.” Plaintiff also requests that Plaintiff’s counsel be appointed to represent the certified class pursuant to Rule 23(g).

In support of this motion for class certification, Plaintiff serves a Memorandum of Law in Support of the Motion for Class Certification (dated August 8, 2025), the Declaration of Heather

Gregorio (dated August 8, 2025), and the Declaration of Sergio Alberto Barco Mercado (dated August 8, 2025).

Dated: August 8, 2025

Respectfully submitted,

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s/ Heather Gregorio
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* Application for admission *Pro hac vice* pending

** *SDNY Admission Pending*

Attorneys for Plaintiffs and proposed Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, I will serve by electronic mail this Notice of Motion for Class Certification 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