

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

SERGIO ALBERTO BARCO
MERCADO,

Plaintiff,

v.

KRISTI NOEM, et al.

Defendants.

Case No.: 25-cv-6568

**Supplemental Declaration of Nancy
Zanello**

SUPPLEMENTAL DECLARATION OF NANCY ZANELLO

I, Nancy Zanello, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Assistant Field Office Director (“AFOD”) in the New York City Field Office of Enforcement and Removal Operations (“ERO New York”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). As the AFOD, I am responsible for, among other things, oversight of the civil immigration arrest and detention of aliens in the New York City area.

2. In my role as the AFOD, I have access to records maintained in the ordinary course of business by ICE, including documentary records concerning ERO New York and the alien detainees who fall within its responsibility, and I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records and other DHS and ICE employees in the regular course of business.

General Information regarding the 26 Federal Plaza ERO Field Office

3. The processing area at the 26 Federal Plaza ERO Field Office comprises four ICE hold rooms with the following square footage: Room #1 – 820.78 sq. ft.; Room #2 – 173.87 sq. ft.; Room #3 173.04 sq. ft.; and Room #4 655.12 sq. ft. The total maximum capacity for all four ICE hold rooms was set by the fire marshal at 154.

4. The ICE hold rooms at the 26 Federal Plaza ERO Field Office are solely used for the short term confinement of aliens who have been recently detained or are being transferred to or from a detention facility, other holding facility, other agency, a court, or for removal. The majority of aliens in custody at the 26 Federal Plaza ERO Field Office are transported to an ICE facility within seventy-two hours absent exceptional circumstances. The 26 Federal Plaza ERO Field Office operates in compliance with ICE Directive No. 11087.2, Operations of ERO Holding Facilities (Jan. 31, 2024).

5. As soon as an alien is booked in for processing at the 26 Federal Plaza ERO Field Office, his or her location information is updated in ICE systems. For those aliens held in custody at the 26 Federal Plaza ERO Field Office, the ICE Online Detainee Locator System states their location as: “26 Federal Plaza, New York, NY 10278.” Data refreshes on the ICE Online Detainee Locator System occur on automated intervals of every eight hours.

6. Custody numbers can fluctuate greatly multiple times throughout the day at 26 Federal Plaza based on various factors, such as enforcement operations, available bedspace at other detention facilities, court schedules, and flight schedules. Based on data from July 21 to August 13, 2025, the average length of stay of detainees at 26 Federal Plaza was two days.

Current Detention Conditions at the 26 Federal Plaza ERO Field Office

7. Aliens in custody in the ICE hold rooms at the 26 Federal Plaza ERO Field Office are separated by sex.

8. The largest ICE hold room is equipped with three toilets and three sinks. The second largest is equipped with two toilets and two sinks.¹ The remaining two ICE hold rooms are equipped with one toilet and one sink each. The lavatory areas are partitioned off by half walls to maintain sight supervision for safety and security and reasonable privacy for aliens.

9. When providing at least fifty square feet of floor area to each alien in custody (exclusive of floor area within eight feet from any toilet), the following maximum number of aliens can be held: Room #1 (820.78 sq. ft.) – eleven aliens; Room #2 (173.87 sq. ft.) – one alien; Room #3 (173.04 sq. ft.) – one alien; and Room #4 (655.12 sq. ft.) – nine aliens. As of 11:59p.m. EDT August 15, 2025, there are currently 8 aliens in custody at the 26 Federal Plaza ERO Field Office.

10. Bedding mats are furnished to each alien in custody who is held overnight. The two ft. x six ft. bedding mats feature high-density foam cushioning and impact absorption. They are cleaned and sanitized after use by each alien. ICE currently has sixty bedding mats in stock ready for use.

11. Blankets are furnished to aliens in custody. Aliens in custody can ask for more than one blanket. Blankets are regularly cleaned.

12. Contract cleaning staff clean the ICE hold rooms including lavatories multiple times a day. In addition, the hold rooms are industrially cleaned at least three times a day, every day between 7:00 a.m. and 4:00 p.m.

¹ The statement in my August 11, 2025 Declaration (ECF No. 58) that “[e]ach ICE hold room is equipped with at least one toilet and sink, with one of the ICE hold rooms equipped with two each,” *id.* ¶ 8, is corrected in this supplemental declaration.

13. Hygiene products, including soap, paper towels, toilet paper, teeth cleaning wipes, feminine hygiene supplies, and sanitary wipes, are made available at no cost to the aliens in custody. Toothbrushes can be misused as weapons and are prohibited due to safety and security reasons. ICE is in the process of acquiring toothbrushes for aliens with specialized features to mitigate security risk to aliens and ICE staff while complying with the Court's TRO.

14. Aliens are provided with a clean change of clothes – e.g., sweatshirts, pants, shoes, and underwear – at no cost to aliens in custody, when requested. Following the alien's use, the clothes are disposed of or remain in the alien's possession. Upon request, ICE provides separate surroundings for aliens to change clothes.

15. Medical personnel from the ICE Health Service Corps (IHSC) are assigned to the 26 Federal Plaza ERO Field Office to provide medical care and attention to aliens in custody. IHSC staff are available daily from 7:00 a.m. until 9:30 p.m. In the event of a medical emergency requiring further medical attention, aliens in custody are transported to nearby medical facilities.

16. Aliens in custody are permitted to bring in their prescription medication that they had in their possession at the time of arrest. Aliens in custody are also permitted to have their attorney or family member later bring their prescription medication. All medications – whether brought in by the alien or later provided – are received and administered to the alien by IHSC personnel. Aliens are not permitted to retain their prescription medication on their person (with the exception of emergency-use inhalers) due to safety and security reasons.

17. Bottled water is provided to the aliens in custody at all times throughout the day at no cost. Potable water is also readily available via the sink faucets in the ICE hold rooms. Electrolyte packets are provided to the aliens at least twice a day.

18. Aliens in custody are provided with four meals a day at no cost to the alien. Bagels with condiments are typically provided in the morning, with heater meal kits and assorted sandwiches offered to aliens and made available upon request throughout the day. The first meal is provided upon the alien's initial arrival. Subsequent meals are generally provided at least six hours apart. Mealtimes may fluctuate due to unforeseen mission requirements or operational circumstances. ICE accommodates aliens' medical (e.g.: diabetic) or religious dietary requirements, including kosher and halal meals available on request.

19. Every newly arriving alien is promptly provided with an English and/or Spanish translation of the written Notice of Rights outlining the alien's rights per the Court's August 12, 2025, Temporary Restraining Order. Copies of the English and Spanish Notice of Rights are also posted and viewable from the ICE hold rooms. For aliens who are not English or Spanish speakers, oral interpretation services are provided by ICE staff or ICE-funded language assistance services to translate the Notice of Rights.

Access to Counsel at the 26 Federal Plaza ERO Field Office

20. Within the first 24 hours of an alien's arrival, he or she is provided with three opportunities to make phone calls—whether to an attorney, family member, friend, or the appropriate consulate. Immediately upon arrival, aliens are provided with an opportunity for a phone call. An opportunity to make a second call is provided during processing. A third call is made available in the evening. All calls are provided free of cost to the alien.

21. There are six landlines available for all aliens in custody. With now a limited capacity of 22 total aliens in custody, each landline is dedicated to the use of three to four aliens.

22. Aliens in custody are provided with the means to make additional, cost-free, confidential, unmonitored, unrecorded, and temporally unrestricted legal phone calls to their

attorneys at least once during each subsequent 12-hour period they are detained. Aliens in custody are also provided with the opportunity to schedule legal calls with their attorneys between 9:00 a.m. and 4:00 p.m. daily. Aliens can make these requests orally by simply speaking with an ICE officer.

23. The Federal Plaza ERO Field Office does not have in-person legal visitation or dedicated attorney call rooms for the aliens in custody.

24. Attorneys who have submitted properly completed Forms G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, request and schedule telephone calls with their clients held in custody at 26 Federal Plaza by calling (212) 436-9315 or (212) 863-3401 or, alternatively, emailing NYCDetaineeInquiry@ice.dhs.gov. An ICE officer is stationed at the above-identified phone lines daily from 8:00 a.m. to 4:00 p.m..² These phone numbers are also available on the ICE Online Detainee Locator System for those aliens held at 26 Federal Plaza.

25. ICE provides ICE-funded language assistance services for aliens in custody who have limited English proficiency to access ICE programs and services, and to facilitate communication between aliens and ICE staff. ICE's language assistance services are not provided to aliens for purposes of communicating with their legal representatives which are provided by their attorneys during legal calls.

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

Dated: August 18, 2025

NANCY ZANELLO
 Assistant Field Office Director
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 U.S. Department of Homeland Security

² The TRO (§ 4(b)) requires that the telephone line be monitored for eight hours from 9 a.m. until 5:00 p.m. However, the ICE personnel who perform this function work an eight-hour shift from 8:00 a.m. to 4:00 p.m.