

**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 (LAK)

**NOTICE OF MOTION FOR CONTEMPT AND SANCTIONS**

**PLEASE TAKE NOTICE** that Plaintiff Sergio Alberto Barco Mercado, on his own behalf and on behalf of the provisionally certified class (“Plaintiffs”) hereby moves this Court for an order holding Defendants in civil contempt for their noncompliance with the Court’s Temporary Restraining Order, ECF No. 65, and Preliminary Injunction, ECF No. 97, and requesting the imposition of sanctions including without limitation monitoring, conditional coercive fines, and attorneys’ fees.

In support of this motion, Plaintiffs serve a Memorandum of Law in Support of the Motion for Contempt and Sanctions (dated November 25, 2025), the Declaration of Heather

Gregorio (dated November 25, 2025), with Exhibits 1–5, the Declaration of Nathan Yaffe (dated September 9, 2025), with Exhibits 1–2, the Declaration of Matthew Bray (dated September 10, 2025), with Exhibit 1, the Declaration of Diana Yanguas Rosen in Support of Amended Petition for Writ of Habeas Corpus (dated October 1, 2025), the Declaration of Deisy Flores (dated October 29, 2025), the Declaration of Carlos Chalco Chango (dated November 20, 2025), the Declaration of Jose Javier Cuy Cumes (dated November 20, 2025), and the Declaration of Zoey Jones (dated November 25, 2025).

Dated: November 25, 2025

Respectfully submitted,

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