

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

Case No. 25 Civ. 6568 (LAK)

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.

DECLARATION OF WILLIAM JOYCE

I, William Joyce pursuant to 28 U.S.C. 1746, declare under penalty of perjury as follows:

1. I am over 18 years of age and have personal knowledge of the matters set forth in my declaration, and if called to testify with respect thereto, could, and would do so competently under oath.
2. I am a Deputy Field Office Director (“DFOD”) 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 a DFOD, I am responsible for, among other things, oversight of the civil immigration arrest and detention of aliens in the New York City area. In my role as a DFOD, 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.

3. I am aware that Barco Mercado has filed a class action complaint and is now filing a motion for contempt.
4. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, and other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.
5. I have obtained and attached to my declaration true and correct copies of the following documents from records maintained by DHS, which will be referenced as Exhibits (“Exh.”) as follows:
 - a. Exh. A: Receipt for Kosher meals
 - b. Exh. B: Quote for Kosher meals
 - c. Exh. C: Pictures of bulk storage of cleaning supplies and body wipes
 - d. Exh. D: Pictures of bulk storage of blankets
 - e. Exh. E: Pictures of bulk storage of bottled water
 - f. Exh. F: Picture of bulk storage of oral hygiene supplies
 - g. Exh. G: Picture of bulk storage toilet paper
 - h. Exh. H: Picture of bulk heater meals

- i. Exh. I: Picture of bulk storage shoes
 - j. Exh. J: Picture of bulk storage clothing
6. I am familiar with the ICE Holding Facility located at 26 Federal Plaza, New York, NY 10278 (“Holding Facility”).
 7. The purpose of the Holding Facility is to process aliens who are being arrested for immigration violations including, but not limited to, arrests pursuant to final removal orders or those who are subject to mandatory detention under the Immigration and Nationality Act during their removal proceedings. Aliens are processed at the Holding Facility before being transported to an ICE detention facility.
 8. The Holding Facility is governed by the January 31, 2024, ERO Directive 11087.2, the ICE National Detention Standards, Executive Order (EO) 14159 Protecting the American People Against Invasion, 90 Fed. Reg. 8451 (Jan. 20, 2025), and EO 14165 Securing Our Borders, 90 Fed. Reg. 8467 (Jan. 20, 2025).
 9. The Holding Facility is comprised of four ICE holding cells among other rooms, with the following square footage: Room #1 – 820.78 sq. ft; Room #2 – 172.28 sq. ft; Room #3 173.04 sq. ft; and Room #4 655 sq. ft. The maximum capacity for the hold rooms was set by the fire marshal at 154; there are currently twenty (20) aliens in custody at the Holding Facility.
 10. The Holding Facility is not meant to detain aliens for long periods of time and is primarily used for the short-term confinement of aliens while they await transfer to other ICE detention facilities, immigration court hearings, removal or other processing.

11. The vast majority of aliens in custody at the Holding Facility are transported to other ICE facilities within 72 hours, absent exceptional circumstances. Currently there are no aliens who have been inside the Holding Facility for more than 72 hours.
12. Aliens who are currently in custody at the Holding Facility (and not in transit elsewhere) will be shown as being held at “26 Federal Plaza, New York, NY 10278” on the ICE Online Detainee Locator System.
13. The ICE Online Detainee Locator System will reflect an aliens’ new detention center location promptly once they are fully transferred to a detention facility, in accordance with Paragraph 3 of the Court’s Preliminary Injunction.
14. Once an alien is detained at the Holding Facility, they are given a printed copy of their Notice of Rights within approximately one hour of their arrival which includes all requirements in this Court’s Preliminary Injunction Order. ICE provides an English and Spanish copy of the Notice of Rights. ICE has also posted a copy of the Notice of Rights in the Holding Facility. ICE provides in-person or telephonic oral translation services for aliens who are not proficient in English or Spanish.
15. Aliens in custody in the holding facility are separated by sex.
16. Each ICE holding cell is equipped with at least one toilet and sink, with Cell #1 having two toilets and sinks; Cells #2 and #3 each having one toilet and sink, and Cell #4 having three toilets and sinks. Hygiene products – including cleansing wipes, toilet paper, toothbrushes, and toothpaste – are furnished to detainees once they are placed in a holding cell. Feminine hygiene products are also furnished to female detainees. Soap is available in the restroom at the nurse’s station. As a safety measure, soap is not placed in the holding cells because detainees have historically ingested soap. The Government has

entered into a contract with an outside vendor to purchase these hygiene products and maintains an adequate supply at the Holding Facility at all times. ICE staff has been instructed to furnish detainees with these personal hygiene products. Detainees are provided with additional products upon request.

17. Upon arrival at the Holding Facility, clothing worn by the aliens that can pose a risk of danger to themselves, or ICE agents are removed, stored, and returned to the alien upon their transfer or release. Upon request, aliens are issued a change of clothes, e.g., sweatshirts, pants, or shoes. ICE provides private surroundings for aliens to change clothes and maintains an adequate supply of clean clothing.
18. Each alien held in the Holding Facility is provided with a clean bedding mat and blanket. ICE provides detainees with additional blankets upon request.
19. The holding cells and bathrooms are cleaned thoroughly at least three times a day. The hold room area is cleaned with industrial cleaning products, by FEDCAP, a contractor.
20. Aliens in custody are provided with at least four nutritional meals a day. ICE has several standing orders with vendors to provide meals. One meal is provided upon the alien's initial arrival. Subsequent meals are provided at least six hours apart. Mealtimes may fluctuate due to unforeseen mission requirements or operational circumstances. ICE accommodates aliens' medical or religious dietary requirements while in custody at the holding facility. Aliens are provided one additional meal per day upon request.
21. Bottled water is always provided to aliens in custody throughout the day. Water is also readily available via the sinks in the ICE hold rooms.
22. Medical personnel from the ICE Health Service Corps ("IHSC") are assigned to the 26 Federal Plaza ERO Field Office. IHSC provides medical care and attention to the Aliens

in custody. IHSC staff are available daily from 7:00 a.m. until 9:30 p.m. In the event of an emergency which requires further medical attention, aliens in custody are transported to nearby medical facilities. There is at least one contracted IHSC medical personnel on the premises of 26 Federal Plaza at all times of the day and night.

23. Aliens are always permitted to bring their prescription medication that they had in their possession at the time of their arrest. In the case that they did not have their prescribed medications at the time of their arrest, ICE allows the attorney or family members of the aliens to bring their prescription medication. IHSC receives and administers all prescribed medications to the aliens being detained at the Holding Facility. Aliens are permitted to retain throughout their detention personal inhaled medication in their possession at the time of arrest or brought to the hold rooms by family members or their attorney.

24. The Holding Facility contains multiple land line telephones for the purpose of allowing the detainees to conduct legal calls. There is at least one land line telephone dedicated solely to accommodating detainee legal calls for each five or fewer detainees. All calls are confidential, unmonitored, unrecorded, unrestricted and free to the detainees and their counsel. There is no time limit for legal calls. Counsel is not required to provide G-28 forms signed by their client in order to schedule a call to speak with their client.

25. On or about October 15, 2025, ICE designated (212) 436-9400 as the telephone number for attorneys to call to schedule a legal call with their clients detained in the hold rooms. ICE performed due diligence and tested the new phone number to confirm that it was promptly being answered on a number of occasions. The telephone number is monitored and answered without undue delay from 9:00 a.m. until 5:00 p.m. If an alien does not

speak English or Spanish, or is otherwise illiterate, the alien is provided with an interpreter or someone who can assist them. Prior to October 15, 2025, ICE designated a different telephone number for attorneys to schedule calls with clients detained in the hold rooms which was also monitored and answered during regular business hours.

26. ICE has ensured adequate staffing to monitor and answer phone calls from attorneys seeking to schedule calls with detainees and has trained its staff to properly respond to such requests.

27. In addition to the new telephone number, on or about October 16, 2025, ICE created an email address (NYCIntakeInquiries@ice.dhs.gov) to field requests from attorneys to schedule calls and receive documents.

28. ICE's website conspicuously displays the phone number to call to schedule legal calls.

29. 26 Federal Plaza ERO Field Office timely schedules all legal calls with counsel for detainees once received through proper channels. Calls are scheduled for the date and time requested by the attorney or as soon thereafter as reasonably possible.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on December 9, 2025, in New York, New York.

William Joyce
Deputy Field Office Director
Enforcement and Removal
Operations
U.S. Immigration and Customs
Enforcement
U.S. Department of Homeland
Security