

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,

v.

MARKWAYNE MULLIN, Secretary of the U.S.  
Department of Homeland Security, in his official  
capacity, et al.,

Defendants.

25 Civ. 6568 (LAK)

**MOTION FOR NON-PROVISIONAL 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 (“ICE”) at 26 Federal Plaza, New York NY (“26 Fed”).” 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 June 3, 2026) and the Witness Statement of Sergio Alberto Barco Mercado (dated May 15, 2026), filed concurrently, and incorporates the Declaration of Heather Gregorio (dated August 8, 2025), ECF No. 38, and the Declaration of Sergio Alberto Barco Mercado (dated August 8, 2025), ECF No. 12.

Dated: June 3, 2026

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