

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALESSANDRA DE FATIMA LOMEU,  
*Petitioner,*

v.

LUIS SOTO,  
in his official capacity as Director/Warden of  
Delaney Hall Detention Facility;

JOHN TSOUKARIS,  
in her official capacity as Field Office  
Director, New Jersey Field Office, U.S.  
Immigration & Customs Enforcement;

PAMELA BONDI,  
in his official capacity as Attorney General,  
U.S. Department of Justice;

KRISTI NOEM,  
in his official capacity as Acting Secretary,  
U.S. Department of Homeland Security; and

TODD M. LYONS,  
in his official capacity as Acting Director, U.S.  
Immigration & Customs Enforcement;  
*Respondents.*

**Civil Action No.:**

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. § 2241.**

Petitioner, Alessandra De Fatima Lomeu, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy her unlawful detention by Respondents, as follows:

**INTRODUCTION**

1. Petitioner Alessandra De Fatima Lomeu (“Ms. Lomeu”) is a citizen of Brazil who came to the United States (“U.S.”) in June 2005, at the age of twenty-three and has lived here ever since. Ms. Lomeu is a loving wife of eleven years to her U.S. Citizen husband, a dedicated stepmother to her U.S. Citizen daughters, a pillar of her community, and a law-abiding New Jersey

resident.

2. On October 2, 2025, while attending a mandated biometric appointment, Ms. Lomeu was taken into U.S. Immigration and Customs Enforcement (“ICE”) custody.
3. Presently, and pursuant to the recent BIA decision *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), Ms. Lomeu is mandatorily detained under 8 U.S.C. § 1225(b)(2)(A) by ICE.
4. In addition, she has a pending I-130: Petition for Alien Relative, pending 42-B: Cancellation of Removal, and pending I-765: Application for Employment Authorization. Further, Ms. Lomeu has not been afforded a bond hearing. *See, Exhibit B: I-130 Receipt Notice (“Exhibit B”); Exhibit C: I-485 Receipt Notice (“Exhibit C”); Exhibit D: 42-B Receipt Notice (“Exhibit D”); Exhibit E: I-765 Receipt Notice (“Exhibit E”).*
5. Ms. Lomeu’s detention is unlawful and being held without the opportunity to be heard, lack of access to sanitary conditions, lack of proper medical attention, and punitive confinement conditions violates the Due Process Clause of the Fifth and Fourteenth Amendments.
6. Ms. Lomeu respectfully requests that this Court grant her immediate release from detention, or, in the alternative, the Court should order an immediate bond hearing to ensure Ms. Lomeu’s detention bears a reasonable relation to the government’s interests.

### **PARTIES**

7. Ms. Lomeu has been detained by Respondents since October 2, 2025, at Delaney Hall Detention Center (“Delaney”).
8. Respondent Luis Soto is named in his official capacity as the Director/Warden of Delaney. Mr. Soto is responsible for the operation of Delaney, where Ms. Lomeu is currently detained.
9. Respondent John Tsoukaris is named in his official capacity as the Director of the New Jersey Field Office for ICE. Mr. Tsoukaris is responsible for arrests, processing, detention,

production, transfer, and release of individuals in removal proceedings. He is a legal custodian of Ms. Lomeu.

10. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General (“AG”). AG Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review (“EOIR”). She is a legal custodian of Ms. Lomeu.

11. Respondent Kristi Noem is named in her official capacity as the Acting Secretary of the U.S. Department of Homeland Security (“DHS”). Ms. Noem is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. She is a legal custodian of Ms. Lomeu.

12. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Ms. Lomeu.

### **JURISDICTION**

13. This Court has proper jurisdiction over Ms. Lomeu’s Petition for Writ of Habeas Corpus. As per 28 U.S.C. § 2241, this Court has the discretion to evaluate and grant the instant writ of habeas corpus. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal issue arising in this matter. Article I, § 9, cl. 2 of the United States Constitution, the Suspension Clause, protects the privilege of habeas corpus. The All-Writs Act, 28 U.S.C. § 1651, grants this Court with remedial authority to issue this necessary writ. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, specifically allows this Court to grant injunctive and declaratory relief if it sees fit.

14. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens

challenging the lawfulness or constitutionality of their detention by DHS; as well as claims by noncitizens seeking to protect their due process rights. *See, Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018).

15. Ms. Lomeu’s current detention as enforced by Respondents constitutes a “severe restraint [on her] individual liberty,” such that she is “in custody in violation of the Constitution or laws ... of the United States.” *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).

#### **VENUE**

16. Venue is proper in the District of New Jersey. Pursuant to 28 U.S.C. § 2241(d), a writ of habeas corpus may be filed in the district where the Petitioner is held in custody. Under 28 U.S.C. § 1391 (b) (2), a proper venue is where a substantial part of the events and omissions gave rise to the claim.
17. Ms. Lomeu is currently in ICE custody at Delaney, where a substantial part of the events giving rise to her habeas claim occurred. Due to custody location and occurrence in events, it is proper to file in the District of New Jersey.

#### **EXHAUSTION**

18. No statutory exhaustion requirements exist as to Ms. Lomeou’s unlawful detention claims. *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000).
19. Although exhaustion is not statutorily required when challenging detention under 28 U.S.C. §2241, many courts still require proof of exhaustion largely to the appropriate agency’s benefit. *Id.*
20. There are several exceptions that courts consider when evaluating exhaustion requirements. An immigrant detainee advancing a due process claim is likely to be exempt because “the Board of Immigration Appeals (“BIA”) does not have jurisdiction to adjudicate constitutional

issues.” *Khan v. United States AG*, 448 F.3d 226, 228 (3d Cir. 2006).

21. Ms. Lomeu is not required to prove exhaustion because she is advancing due process claims in the instant habeas petition.

### **STATEMENT OF FACTS**

22. Ms. Lomeu was born on [REDACTED], in Itanhomi, Minas Gerais, Brazil. In pursuit of a safer and more financially stable future, she immigrated to the U.S. in June 2005. *See, Exhibit A: Declaration of Alessandra De Fatima Lomeu in Support of her Habeas Petition*, ¶ 1 (“*Exhibit A*”).

23. In April 2013, Ms. Lomeu met her U.S. Citizen husband, Hudson Rodrigues Almeida. After a year of dating, the two became inseparable, and were married on May 24, 2014. *Id.* at ¶ 7.

24. Not only did Ms. Lomeu gain a lifelong partner, but two kind-hearted stepdaughters, Allyson and [REDACTED]. Ever since meeting [REDACTED], who was ten at the time, and [REDACTED] who was eight at the time, Ms. Lomeu has loved and cared for both girls as her own – the bond Ms. Lomeu has built with her stepdaughters is priceless to her. *Id.* at ¶ 8.

25. For over twenty years, Ms. Lomeu has built a home and family, respected the laws herein, and loved this nation for all it has permitted her to achieve.

### **Ms. Lomeu’s Proceedings**

26. On March 14, 2025, Ms. Lomeu’s husband filed an I-130, Petition for Alien Relative, which is still pending review before USCIS. *See, Exhibit B.*

27. On June 18, 2025, Ms. Lomeu filed a I-765, Application for Employment Authorization, which is still pending review before USCIS. *See, Exhibit E.*

28. On May 6, 2025, Ms. Lomeu filed 42-B, Application for Cancellation of Removal, which is still pending review before EOIR. *See Exhibit C & D.*

**Ms. Lomeu's ICE Detention**

29. On October 2, 2025, Ms. Lomeu was taken into ICE custody and detained at Delaney – Ms. Lomeu has endured an array of punitive conditions.

30. The first night at Delaney, Ms. Lomeo was transferred to a small processing room with other detainees, was not directed to a facility sleeping room until two in the morning and was not provided with any food for hours on end. *Exhibit A*, ¶ 12.

31. After processing, Ms. Lomeu was placed in one of the several sleeping rooms at Delaney and is where she stays to this day. The tiny windowless room is shared with approximately seven to ten other detainees dependent on the overflow of detainees each day. *Id.*

32. Ms. Lomeu was given a bed that was as “hard as a rock” and a blanket, that falls apart upon use. *Id.* at ¶ 13. Since she was not provided a pillow, Ms. Lomeu utilizes her clothes as a cushion. Due to rigid bed and lack in pillow, Ms. Lomeu often suffers with radiating pain from her neck to her shoulder. *Id.*

33. Due to the persistent frigid temperature in the shared sleeping room, Ms. Lomeu, on multiple occasions has requested additional socks to keep warm, however guards have refused to provide so and directed Ms. Lomeu to purchase what she needs from Delaney’s inventory. *Id.* at ¶ 14.

34. Within the shared sleeping room, there is no bathroom. Therefore, during the night Ms. Lomeu must ask the guard on watch to utilize the bathroom – numerous times, Ms. Lomeu was directed to wait until the morning. *Id.* at ¶ 16. Additionally, the showers, that are riddled with pitch black mold and that are barely functional, are located outside of the shared sleeping room. *Id.* at ¶ 17.

35. Ms. Lomeu is permitted one hour of outdoor activities every other day and access to a separate lounge area that has two televisions for the female detainees. *Id.* at ¶ 18.
36. Concerning the meals at Delaney, Ms. Lomeu was served food identical to “cat food” on multiple occasions, the meals are always cold, and there is never a set time to eat. Moreover, at times, Ms. Lomeu receives breakfast at five in the morning and then lunch at four in the afternoon. *Id.* at ¶ 19.
37. Frighteningly, Ms. Lomeu fails to timely receive her vital medications by Delaney. Ms. Lomeu suffers with very high blood pressure, which requires her to repeatedly take her blood pressure throughout the day and periodically take medication. Ms. Lomeu’s blood pressure was only taken once during processing and every day she must beg the guards to give her the blood pressure medication that she desperately needs, to which the guards typically respond with “there’s nothing they can do about it” and “[you’ll] get the medication, when [you’ll] get it.” As a result of not timely receiving her medication, Ms. Lomeu suffers with persistent splitting headaches and often feels wooziness. Being that the food is also served at a whim, and she is unable to take her medications with a meal, her symptoms are exacerbated. *Id.* at 21.
38. Ms. Lomeu, also, suffers with an ovarian disorder and due to the symptoms of pain and irregular menstruation, she must take hormone/birth control medication. Similar to the blood pressure medication, Ms. Lomeu does not receive said medication in a timely manner. As a result of not timely receiving her medication, Ms. Lomeu’s ovarian pain amplifies and she suffers with wildly irregular menstruation; further, Ms. Lomeu has been continually bleeding due to the irregular timing of her medications. The fact that Ms. Lomeu must ask for

permission to utilize the bathroom in the middle night, and the potentiality of being denied, makes her irregular menstruation, even worse. *Id.* at 22.

39. Ms. Lomeu is deeply struggling with her mental health at Delaney – she feels defeated, depressed, and hopeless. *Id.* at 23.

40. To this day, Ms. Lomeu remains in ICE custody at Delaney.

### **LEGAL FRAMEWORK**

#### **I. MS. LOMEU IS LIKELY TO SUCCEED ON THE MERITS OF HER CLAIMS THAT HER DETENTION IS UNLAWFUL & VIOLATES HER DUE PROCESS RIGHTS.**

41. The Due Process Clause of the Fifth Amendment is applicable to all individuals in the United States; moreover, every immigrant, regardless of status or lack thereof, is entitled to due process protections. *Zadvydas v Davis*, 533 US 678, 682 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Reno v. Flores*, 507 U.S. 292, 3061 (1993); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Even further, individuals navigating our immigration system in pursuit of lawful status have a right to be noticed, meaningfully heard and protected from governmental constraints, which deprive them of any liberty or property interests. *Landon v. Plasencia*, 459 US 21, 34 (1982). Specifically concerning detainment, the Supreme Court has held that civil detention “for any purpose constitutes a significant deprivation of liberty that requires due process protection.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

#### **A. The BIA’s Interpretation of INA 235(b) (2)(A), in the *Matter of Yajure-Hurtado*, Violates Ms. Lomeu’s 5<sup>th</sup> Amendment Due Process Rights.**

42. On September 5, 2025, the BIA made the disturbingly, unconstitutional decision in the *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which ignored decades of legal precedent, the Constitution, and stripped away the well-established due process rights for a plethora of

non-citizens. Moreover, *Yajure-Hurtado* established the dangerous sweeping rule that any non-citizen present in the United States without having been inspected and admitted who is arrested with or without a warrant is subject to mandatory detention under INA § 235(b)(2), rather than the typical discretionary detention under INA § 236 (a), this is without regard of where the non-citizen was apprehended or how long the non-citizen has resided in the United States. *Id.*

43. Again, the BIA's decision directly conflicts with significant U.S. Supreme Court decisions including but not limited to *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Demore v. Kim*, 538 U.S. 510 (2003), *Boumediene v. Bush*, 553 U.S. 723 (2008), *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *United States v. Salerno*, 481 U.S. 739 (1987).
44. The BIA's ruling of restrictions on the Due Process Clause and mandated, unchecked detentions under INA § 235(b)(2), instead of INA § 236(a), has already been refuted by a myriad of Federal District Courts across the nation through the re-enforcement of INA § 236(a), not INA § 235(b)(2), and further, many grants in habeas petition reliefs based on the resounding due process violations set forth by *Yajure-Hurtado*. *Benitez v. Francis*, 2025 US Dist LEXIS 153952 [SDNY Aug. 8, 2025]; *Samb v. Joyce*, 2025 US Dist LEXIS 161109 [SDNY Aug. 19, 2025]; *Sampiao v. Hyde*, 2025 US Dist LEXIS 175513 [D Mass Sep. 9, 2025, No. 1:25-cv-11981-JEK]; *Leal-Hernandez v. Noem*, 2025 US Dist LEXIS 165015 [D Md Aug. 24, 2025, No. 1:25-cv-02428]; *Kostak v. Trump*, 2025 US Dist LEXIS 167280 [WD La Aug. 27, 2025, No. 3:25-1093]; *Zaragoza Mosqueda v. Noem*, 2025 US Dist LEXIS 174828 [CD Cal Sep. 8, 2025, No. 5:25-cv-02304]).
45. Due to the BIA's decision in *Yajure-Hurtado*, Ms. Lomeu is currently being detained under INA § 235(b)(2) without any opportunity to be heard, which is a blatant infringement on her

due process rights as established by a long-line of U.S. Supreme Court decisions and the U.S. Constitution itself. For over twenty years, Ms. Lomeu has resided in this nation as a law-abiding individual, who contributes to her community. Pursuant to this nation’s Supreme Court precedent and Due Process Rights of the Fifth Amendment, Ms. Lomeu respectfully requests this Court find her detention as discretionary under INA § 236(a) and release Ms. Lomeu or, in the alternative, provide Ms. Lomeu with the opportunity to be heard, as many Federal Districts have already done across the country for individuals similarly situated.

**B. Ms. Lomeu’s unlawful detention, without a bond hearing and pending I-130 Petition violates the Fifth Amendment.**

46. Upon an individual evidencing a liberty or property interest, a Court must determine whether constitutionally sufficient procedures were provided by balancing: First, the private interest that will be affected by the official action; Second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural requirement would entail; and Finally, the government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews*, 424 U.S. at 335.
47. Immigrants facing deportation and removal proceedings have a deep-rooted liberty interest – **“the right to stay and live and work in this land of freedom.”** *Bridges v. Wixon*, 326 U.S. 135, 154 (1945).
48. Ms. Lomeu is entitled to the protections of the 5<sup>th</sup> Amendment Due Process Clause. First, Ms. Lomeu has a significant liberty interest in remaining the United States – her right to stay in the United States with her loving husband of eleven years and two stepdaughters. The government has failed to evidence any reason to continue confinement: Ms. Lomeu is not a

flight risk, Ms. Lomeu has no criminal record, and Ms. Lomeu is not a danger to the community.

49. Second, in light of the Constitution, the INA and its applicable regulations, Respondents have procedurally deprived and continue to risk deprivation of Ms. Lomeu's due process rights. When evaluating the second *Mathews* prong "the only interest to be considered . . . is that of the detained individuals—not the government." *Black v. Director Thomas Decker*, 103 F.4th 133, 152 (2d Cir 2024). Without any regards, Respondents have violated Ms. Lomeu's due process rights tenfold: While attempting to lawfully comply with her immigration application, Ms. Lomeu was wrongfully detained by ICE agents at her second mandated biometrics appointment; ICE's efforts to prematurely deport and confine Ms. Lomeu before USCIS may adjudicate her, very likely successful, I-130 petition constitutes a deprivation in her liberty interest to stay in the United States with her loved ones; and Ms. Lomeu was discretionarily thrown in a detention center without the opportunity to be heard for bond – upon a bond hearing, Ms. Lomeu would demonstrate she is neither a flight risk nor a danger to community. Due to Respondent's unjustified arrest of Ms. Lomeu, an astonishing snowball effect of due process violations have occurred and will continue to occur so long as Ms. Lomeu is detained.
50. Third, the interest of enforcing immigration policies would be valid if the government was even following said policies – Ms. Lomeu was improperly detained while following the procedural requirements to obtain lawful status. Regardless, any additional or substitute procedural requirement would not burden the government whatsoever - if anything, the government is burdening itself by fiscally detaining Ms. Lomeu and wasting judicial resources.

51. All three Mathews factors, weigh heavily in Ms. Lomeu's favor. Moreover, Ms. Lomeu has established that Respondents violated her due process rights, which warrants her immediate release from ICE custody or in the alternative, an immediate bond hearing.

**C. Ms. Lomeu's detention violates her right to substantive due process because she is neither a flight risk nor damage to the community.**

52. Immigration detention is civil and must "bear a reasonable relation to the purpose for which the individual [is] [detained]" so that it remains "nonpunitive in purpose and effect." *Id.* at 690. Further, and to comport with due process, there are only two legitimate regulatory purposes for immigration detention to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691; *Diop v. ICE*, 656 F.3d 221, 233-234 (3d Cir. 2011).

53. Ms. Lomeu is not a flight risk and will appear at all future immigration proceedings. For over twenty years, Ms. Lomeu has lived in the United States – this is her home. Moreover, her loving husband, stepdaughters, friends, and essentially all she has, is within the United States.

54. Ms. Lomeu is not a danger to the community – she has no criminal record, whatsoever.

55. No legitimate interests exist as to Ms. Lomeu's detention, rather the government is detaining Ms. Lomeu along with countless others swept up in its courthouse and USCIS arrests, for the understandable but illegitimate reason that she was easy to locate. At the time of her arrest, Ms. Lomeu was attempting to lawfully navigate our immigration system by completing her second biometrics appointment. Due to pure accessibility, Ms. Lomeu was detained without any opportunity to heard.

56. Because Ms. Lomeu's detention has been unaccompanied by the procedural protections that are, without a doubt, required by the Due Process Clause of the Fifth Amendment to the U.S.

Constitution, her continued detention without a bond hearing is unlawful and therefore, she should be released.

57. In the alternative, the Court should order an immediate bond hearing to ensure Ms. Lomeu's detention bears a reasonable relation to the government's interests.

**D. The conditions of Ms. Lomeu's confinement are punitive in violation of the Fifth Amendment.**

58. The Fifth Amendment protects immigrant detainees from punitive confinement conditions. Since immigrant detainees are civilly detained, the Eighth Amendment's cruel and unusual standard is inapplicable; the idea is that immigrant detainees must not be subject to punishment at all, let alone cruel and unusual punishment. *E. D. v. Sharkey*, 928 F.3d 299, 307 (3d Cir. 2019). Conditions that violate the Eighth Amendment necessarily violate the Fifth Amendment. *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). A plethora of cases, whether applying the Eighth Amendment to criminal detainees or Fifth Amendment to immigrant detainees, evidence that Ms. Lomeu's confinement is highly punitive and violates the Due Process Clauses in multiple regards.

59. The totality of the circumstances test is applied to determine whether the conditions of confinement constitute cruel and unusual punishment. Relevant considerations in the immigration detention context include assessing maintenance of sanitary conditions and maintaining detention conditions that are distinct from criminal detention. *Tillery v. Owens*, 907 F.2d 418, 420 (3d Cir. 1990); *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d at 478 (3d Cir. 2015).

**a. Unsanitary Conditions**

60. Detention facility conditions violate the Eighth Amendment when detainees are “deprived of the minimal civilized measure of life's necessities” and the facility and/or prison officials act with deliberate indifference. *Tillery*, 907 F2d at 426. Deliberate indifference of a detainee’s health or safety means the “official knows of and disregards an excessive risk to inmate health or safety.” *Farmer v Brennan*, 511 US 825, 828 (1994).
61. Severe overcrowding and unsanitary conditions constitutes such a deprivation that amounts to cruel and unusual punishment. *Id.*
62. The egregious confinement conditions at Delaney are not only well-known to the detainees trapped behind its walls, but to the public at large including DHS. As per a prior inspection report, DHS found a host of food safety and living conditions violations endured by detainees. Concerning the food served to inmates, DHS found: widespread mishandling of food ranging from service of moldy bread, “slimy, foul-smelling lunch meat,” “raw chicken leaking blood all over refrigeration units,” and service of meat “that smelt like fecal matter.” *Exhibit G: DHS 2019 Office of Inspector General Report (“Exhibit F”)*. Concerning environmental conditions, DHS found: leaking ceilings dripping directly onto detainee beds, showers laced with mold and peeling paint, dilapidated beds requiring detainees to utilize bedsheets to tie the seams of the mattress together, and lack in access to recreation space outside of their living area. *Id.*
63. As of June 2025, seemingly the disastrous infrastructure of Delaney has not improved, which is evidenced by the “escape” of four immigrant detainees. As a result of the conditions they endured, ranging from sleeping on the floor, limited to drinking foul-tasting water for hydration, and going hours on end without food just to be served slices of bread as a meal, four detainees were able to “escape” the facility by punching through the exterior wall of the

jail. *Exhibit H: Inside the Tumult That Led 4 Men to Escape From a Migrant Facility, NYTimes Article (June 2025) (“Exhibit G”)*.

64. Inhumanely, and against DHS protocols, several of these conditions still exist to this day and are endured by Ms. Lomeu.

30. The first night at Delaney, Ms. Lomeu was thrown in a small processing room with many other detainees and was not directed to a facility sleeping room until two in the morning. *Exhibit A*, ¶ 12. After processing, Ms. Lomeu was placed in one of the several sleeping rooms at Delaney and is where she stays to this day. The tiny windowless room is shared with approximately seven to ten other detainees dependent on the overflow of detainees each day. *Id.*

65. On multiple occasions, Ms. Lomeu was served meals identical to “cat food” and have seemingly been left out due to how ice cold the food is. *Id.* at ¶ 19.

66. Additionally, the showers are riddled with pitch black mold and are barely functional. *Id.* at ¶ 17

67. While in Respondents’ custody, the range of egregious and unsanitary conditions endured by Ms. Lomeu include but are not limited to rooms overflowing with other detainees, meals akin to “cat food” for consumption, having to shower in stalls embedded with thick black mold, and so on. Respondents have deprived Ms. Lomeu of “minimal civilized measure of life’s necessities” and both facilities have acted with deliberate indifference. *Tillery*, 907 F2d at 426.

68. This treatment breaches detainees’ rights to sanitary conditions and exposes them to health hazards, violating Ms. Lomeu’s Fifth Amendment rights.

**b. Access to Medication**

69. The Supreme Court has held that States have an obligation to provide “adequate” medical care to civil detainees, deeming deliberate indifference to their medical needs unconstitutional. *Helling v. McKinney*, 509 U.S. 25, 33 (1993); *Estelle v. Gamble*, 429 U.S. 97, 104 (1976).
70. To establish an inadequate medical care claim, a detained individual must show “(1) a serious medical need, and (2) acts or omissions by prison officials that indicate deliberate indifference to that need.” *Umarbaev v. Lowe*, 453 F. Supp. 3d 698, 708 (M.D. Pa. 2020). Under the first prong, a serious medical need is a condition “that has been diagnosed by a physician as requiring treatment.” *Monmouth Cnty. Corr. Inst. Inmates v. Lanzaro*, 834 F.2d 326, 347 (3d Cir. 1987). Under the second prong, deliberate indifference means “to recklessly disregard a substantial risk of serious harm.” *Harvey v. Chertoff*, 263 Fed. Appx. 188, 191 (3d Cir. 2008). The Third Circuit Court of Appeals has found deliberate indifference in many contexts including where “necessary medical treatment is delayed for non-medical reasons.” *Pearson v. Prison Health Serv.*, 850 F.3d 526, 538 (3d Cir. 2017); *Natale v. Camden County Correctional Facility*, 318 F.3d 575, 582 (3d Cir. 2003) (finding failure to establish a policy for detainees addressing immediate medication needs combined with knowledge of the risk of harm, could be deliberate indifference); *Rouse v. Plantier*, 182 F.3d 192, 198 (3d Cir. 1999) (finding failing to provide medication in a timely manner, failing to conduct sufficient blood sugar testing, and failing to provide an adequate diet are all factors to consider in determining deliberate indifference towards detainees).
71. Frighteningly, Ms. Lomeu fails to timely receive her vital medications by Delaney. Ms. Lomeu suffers with very high blood pressure, which requires her to repeatedly take her blood pressure throughout the day and periodically take medication. Ms. Lomeu’s blood pressure

was only taken once during her time at Delaney and every day she must beg the guards to give her the blood pressure medication that she desperately needs, to which the guards typically respond with “there’s nothing they can do about it” and “[you’ll] get the medication, when [you’ll] get it.” As a result of not timely receiving her medication, Ms. Lomeu suffers with persistent splitting headaches and often feels wooziness. Being that the food is also served at a whim, and she is unable to take her medications with a meal, her symptoms are exacerbated. *Id.* at 19, 21.

72. Ms. Lomeu, also, suffers with an ovarian disorder and due to the symptoms of pain and irregular menstruation, she must take hormone/birth control medication. Similar to the blood pressure medication, Ms. Lomeu does not receive said medication in a timely manner. As a result of not timely receiving her medication, Ms. Lomeu’s ovarian pain amplifies and she suffers with wildly irregular menstruation; further, Ms. Lomeu has been continually bleeding due to the irregular timing of her medications. The fact that Ms. Lomeu must ask for permission to utilize the bathroom in the middle night, and the potentiality of being denied, makes her irregular menstruation, even worse. *Id.* at 22.

73. Moreover, first, Ms. Lomeu suffers from two very serious medical conditions including severe high blood pressure and an ovarian disorder. Second, Delaney’s failure to promptly provide vital medications in a timely fashion, failure to take Ms. Lomeu’s blood pressure, failure to properly feed Ms. Lomeu, and failure to permit Ms. Lomeu to utilize the bathroom during the night amounts to deliberate indifference.

**c. Punitive Conditions**

74. Again, immigrant detainees must not be subject to punishment at all, let alone cruel and unusual punishment and if a detained immigrant’s civil detention looks penal, the scales tilt

toward finding the detention unreasonable. *E. D.*, 928 F.3d at 307; *Chavez-Alvarez v Warden York County Prison*, 783 F3d 469, 478 (3d Cir 2015).

75. Ms. Lomeu has endured an array of punitive conditions that very much unconstitutionally mimic, or rather are akin, to criminal detention. At Delaney, Ms. Lomeu was given a bed that was as “hard as a rock” and a blanket, that falls apart upon use. *Exhibit A*, ¶ 13. Since she was not provided a pillow, Ms. Lomeu utilizes her clothes as a cushion. Due to rigid bed and lack in pillow, Ms. Lomeu often suffers with radiating pain from her neck to her shoulder. *Id.*
76. Due to the persistent frigid temperature in the shared sleeping room, Ms. Lomeu, on multiple occasions has requested additional socks to keep warm, however guards have refused to provide so and directed Ms. Lomeu to purchase what she needs from Delaney’s inventory. *Id.* at ¶ 14.
77. Within the shared sleeping room, there is no bathroom. Therefore, during the night Ms. Lomeu must ask the guard on watch to utilize the bathroom – numerous times, Ms. Lomeu was directed to wait until the morning. *Id.* at ¶ 16
78. Other than the one hour of outdoor activities every other day, Ms. Lomeu is trapped in the walls of the facility. *Id.* at ¶ 18.
79. Furthermore, Ms. Lomeu is subjected to sleep on a rigid bed, given a “blanket” that is so poorly made it falls apart, only permitted one hour of outdoor activities every other day with the remainder of the day being trapped in the facility and served meals that look like “cat food” to consume. *Exhibit A*, ¶ 11-19.
80. Ms. Lomeu’s immigration detention bears an uncanny resemblance to criminal confinement, in violation of her Due Process Rights.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS)**

1. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
2. Ms. Lomeu is not a flight risk nor is she a danger to the community. Respondents' detention of Ms. Lomeu is therefore unjustified and unlawful. Accordingly, Ms. Lomeu is being detained in violation of her Constitutional right to Due Process under the Fifth Amendment.

**COUNT TWO**

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS)**

3. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
4. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law."
5. Ms. Lomeu is entitled to the protections of the 5<sup>th</sup> Amendment Due Process Clause. First, Ms. Lomeu has a significant liberty interest in remaining the United States. Second, in light of the Constitution, the INA and its applicable regulations, Respondents have procedurally deprived and continue to risk deprivation of Ms. Lomeu's due process rights.
6. Third, any additional or substitute procedural requirement would not burden the government whatsoever - if anything, the government is burdening itself by fiscally detaining Ms. Lomeu and wasting judicial resources.

7. Accordingly, Ms. Lomeu is being detained without sufficient process in violation of her Constitutional right to Due Process under the Fifth Amendment.

**COUNT THREE**

**THE EGREGIOUS CONFINEMENT CONDITIONS ENDURED BY MS. LOMEU  
VIOLATES THE FIFTH AMENDMENT RIGHT TO SUBSTANTIVE DUE  
PROCESS**

8. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
9. The Fifth Amendment protects immigrant detainees from punitive confinement conditions. Courts find the existence of punishment when confinement conditions lack a reasonable relationship to a legitimate governmental purpose.
10. The government also violates the Fifth Amendment by acting with deliberate indifference to an immigrant detainee's health and safety.
11. Respondents have knowingly exposed Ms. Lomeu to a substantial risk of serious harm including, but not limited to, failing to timely provide her with vital medications, failing to provide her with timely and adequate meals, failing to provide adequate sleeping necessities, failing to allow Ms. Lomeu to utilize the bathroom, requiring Ms. Lomeu to shower in stalls ridden with black mold, cramming Ms. Lomeu in an overcrowded room with other female detainees, and so on.
12. Accordingly, being confined with such horrendous conditions violates the Ms. Lomeu's Fifth Amendment Due Process Rights.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over the instant matter;

2. Issue a Writ of Habeas Corpus ordering the immediate release of Petitioner from Respondents custody;
3. In the alternative, grant a Writ of Habeas Corpus ordering an immediate bond hearing to ensure Petitioner's detention bears a reasonable relation to the government's interests; and
4. Order any such other relief as this Court deems just and proper.

Dated: 10/13/25

Respectfully Submitted,



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Alexandra Minogue, Esq.  
NJ Bar ID: 479582024  
Nova Law Group  
21 Fulton Street  
Newark, NJ 07102  
E: [aminogue@nova.law](mailto:aminogue@nova.law)  
P: 844-844-6682  
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the PACER system.

Dated: 10/13/25

Respectfully Submitted,




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Alexandra Minogue, Esq.  
NJ Bar ID: 479582024  
Nova Law Group  
21 Fulton Street  
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E: [aminogue@nova.law](mailto:aminogue@nova.law)  
P: 844-844-6682  
*Counsel for Petitioner*

# **EXHIBIT A**

**Declaration of Alessandra de Fatima Lomeu in Support of her Habeas Petition**

1. My name is Alessandra de Fatima Lomeu, and I was born on  in Itanhomi, Minas Gerais, Brazil. For over twenty years, I have lived in the United States without any criminal record; while in the U.S., I proudly became a wife and stepmother to two beautiful daughters.
2. My immigration detention started on October 2, 2025, and I was placed in Delaney Hall Detention Facility (“Delaney”) in Newark, New Jersey.
3. I have struggled deeply with my confinement by ICE. I have received food that looks identical to cat food, I am trapped in a prison with very limited outdoor access, I have not received my medications in a timely manner resulting in painful symptoms, and I have to share one phone with approximately ten other individuals limiting by ability to contact my attorney and family.
4. In the United States, I have built a family and home, I have respected the laws, and I have loved this country for all it has permitted me to achieve, but I am being treated as a prisoner for wanting to stay.

**LIFE PRIOR TO MY IMMIGRATION DETENTION**

5. In hopes of a safer and more financially sound way of life, I made the challenging decision to travel to the United States from my home country, Brazil, in June 2005.
6. Navigating my lawful status in the United States has been very difficult. Previously, I have hired counsel and paid high fees all to be led astray, however I have kept fighting for my future here.
7. In April 2013, I met my husband, Hudson Rodrigues Almeida, who is a United States citizen. I met him through a close friend of mine and we immediately hit it off – the night I met him, I realized I was facing the love of my life. After one year of dating, we became inseparable.

7. On May 24, 2014, we were married and have been together ever since. Not only did I gain my lifelong partner that day, but two kind-hearted stepdaughters, [REDACTED] and A [REDACTED]. Ever since meeting A [REDACTED] who was ten at the time, and [REDACTED] who was eight at the time, I have loved and cared for both of them as my own. They have grown into amazing young women and the bond I have built with them over the years is priceless.
8. For over a decade, my husband and I, along with my beautiful stepdaughters, have built a safe and cozy life right here in New Jersey.
9. Navigating my lawful status in the United States has been very difficult. Previously, I have hired counsel and paid high fees all to be led astray, however I have kept fighting for my future here.
10. In March 2025, I finally got in touch with a law firm, Nova Law Group, that was able to explain my immigration case to me and provide a direction to lawful status. So, I followed their lead. On October 2, 2025, while attending a required biometric appointment, ICE detained me. Since that date, I have remained in ICE's custody.

#### **DETENTION AT DELANEY HALL**

11. On October 2, 2025, the day I was taken into ICE custody, I was transferred to Delaney and processed. The first night at Delaney was terrifying: I was thrown in a processing room with other detainees, was not directed to one of the facility's sleeping rooms until two in the morning and was not provided with any food for hours on end.
12. Currently, I share a tiny windowless room with about seven other female detainees. The number of people in the room ranges day by day from between seven to ten— as soon as some people leave, ICE brings in more.

13. I was given a bed that was hard as a rock and blanket that quite literally falls apart. Since I do not have a pillow, I utilize my clothes as a cushion to rest my head on; between the lack in pillow and the rigid bed, I often have pain radiating from my neck to my shoulder.
14. Sadly, the sleeping room always remains ice cold. On several occasions, I had asked guards for additional socks to try to keep warm, but they refused and directed me to purchase them from Delaney. Luckily, the girls I share a room with look out for each other and share extra clothing when they can.
15. In the room, we all share one phone to get in contact with family and friends.
16. There is no bathroom within the shared room, so when I have to utilize the bathroom at night, I must hope the guard on watch allows me to – several times, I have been told to wait until the morning.
17. The showers are riddled with mold and are barely functional.
18. During the day, we have access to a separate “lounge” room that we share with all other female detainees – the lounge room just consists of two televisions. We also get one hour of outside activities every other day, but other than that we are trapped in the facility.
19. The food at Delaney is terrible. On multiple occasions, I received food that looks identical to cat food, the meals are always cold, and there is never a set time to eat – at times, I’ll receive breakfast at five in the morning and then lunch at four in the afternoon. Many of the girls suffer with stomach pain and diarrhea after eating the meals.
20. The most frightening part of my detention is that I do not receive my medications, that I need to survive, in a timely manner.
21. I suffer with very high blood pressure, which requires me to take my blood pressure throughout the day and medication periodically. While at Delaney I only had my blood

pressure taken once during processing and every day, I have to beg the guards to give me my blood pressure medication; the usual response I get from the guards is that there is nothing they can do about it and that I'll get the medication when I get the medication. Every day I worry because I'm not taking my blood pressure nor am I taking my medications in a timely manner as I should. As a result of me not receiving my blood pressure medications, I have persistent splitting headaches and feel extremely woozy. The fact that I receive food whenever the facility feels like giving it to me and cannot eat when I do receive my medication, heightens my symptoms.

22. I also suffer with an ovarian disorder. Due to the significant ovarian pain and irregular menstruation, I must take hormone/birth control medication. Like my blood pressure medication, I do not receive my hormone/birth control medication in a timely manner. As a result, my ovarian pain is terrible and menstruation is wildly irregular – the fact that I have to ask for permission to utilize the bathroom in the middle of the night, and the potentiality of being denied, makes the irregular menstruation, which I have been battling with very frequently, even worse.

23. During my time at Delaney, I have been extremely depressed – I just feel absolutely defeated. The other girls I'm detained with try to cheer me up by doing my hair or giving me coffee, but this feeling of hopelessness has truly overcome me. Still, I am trying to remain strong for my family on the outside.

**PLEA FOR RELEASE**

24. If released, I will cooperate with any release conditions and will continue to work with Nova Law Group on my I-130 and further, I-485. Further, I also understand that my case will be

ongoing. I intend to fully participate in the case but would like to do so while being united with my husband.

25. Upon my release and if given the opportunity to remain in the U.S., I will continue to be law abiding individual, I will continue to serve my community, I will continue to be a loving, grateful, and proud wife and stepmother, *I will continue to love and respect this country, as I have since the day I entered it.*


I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in cursive script that reads "Alessandra de Fatima Lomeu". The signature is written in black ink and is positioned above a horizontal line.

**Dated: 10/13/25**




**ALESSANDRA DE FATIMA LOMEU**

**Declaração de Alessandra de Fátima Lomeu em Apoio ao seu Pedido de Habeas Corpus**

1. Meu nome é Alessandra de Fátima Lomeu e nasci em  em Itanhomi, Minas Gerais, Brasil. Há mais de vinte anos vivo nos Estados Unidos sem nenhum antecedente criminal; enquanto estive nos EUA, tornei-me com orgulho esposa e madrastra de duas filhas lindas.
2. Minha detenção imigratória começou em 2 de outubro de 2025, e fui colocada no Centro de Detenção Delaney Hall (“Delaney”) em Newark, Nova Jersey.
3. Tenho enfrentado muitas dificuldades com minha detenção pelo ICE. Recebo alimentos que parecem comida de gato, estou presa em uma instalação com acesso muito limitado ao ar livre, não recebo meus medicamentos em tempo hábil, o que resulta em sintomas dolorosos, e tenho que compartilhar um telefone com aproximadamente outras dez pessoas, o que limita minha capacidade de contatar minha advogada e minha família.
4. Nos Estados Unidos, construí uma família e um lar, respeitei as leis e amei este país por tudo o que ele me permitiu conquistar, mas estou sendo tratada como uma prisioneira por querer permanecer aqui.

**VIDA ANTES DA MINHA DETENÇÃO IMIGRATÓRIA**

5. Na esperança de uma vida mais segura e financeiramente estável, tomei a difícil decisão de viajar para os Estados Unidos desde meu país de origem, o Brasil, em junho de 2005.
6. Navegar pela minha situação imigratória nos Estados Unidos tem sido extremamente difícil. Já contratei advogados e paguei honorários altos, tudo em vão, mas continuo lutando pelo meu futuro aqui.
7. Em abril de 2013, conheci meu marido, Hudson Rodrigues Almeida, que é cidadão dos Estados Unidos. Conheci-o através de uma amiga próxima e nos demos bem imediatamente na noite em que o conheci, percebi que estava diante do amor da minha vida. Depois de um ano de namoro, tornamo-nos inseparáveis

8. Em 24 de maio de 2014, nos casamos e estamos juntos desde então. Naquele dia, não ganhei apenas meu parceiro para a vida toda, mas também duas enteadas de bom coração,  Desde que conheci  que tinha oito anos na época, e  que tinha dez, passei a amá-las e cuidar delas como se fossem minhas. Elas se tornaram mulheres incríveis e o vínculo que construí com elas ao longo dos anos é inestimável.
9. Por mais de uma década, meu marido e eu, junto com minhas lindas enteadas, construímos uma vida segura e acolhedora aqui mesmo em Nova Jersey.
10. Navegar pela minha situação imigratória nos Estados Unidos tem sido extremamente difícil. Já contratei advogados e paguei honorários altos, tudo em vão, mas continuo lutando pelo meu futuro aqui.
11. Em março de 2025, finalmente entrei em contato com um escritório de advocacia, o Nova Law Group, que conseguiu me explicar meu caso imigratório e fornecer um caminho para a regularização. Segui suas orientações. Em 2 de outubro de 2025, enquanto comparecia a um agendamento biométrico obrigatório, fui detida pelo ICE. Desde então, permaneço sob custódia do ICE.

## **DETENÇÃO NO DELANEY HALL**

12. No dia 2 de outubro de 2025, data em que fui levada sob custódia do ICE, fui transferida para o Delaney e processada. A primeira noite no Delaney foi aterrorizante: fui jogada em uma sala de processamento com outras detidas, não fui levada para um dos dormitórios até as duas da manhã e fiquei horas sem receber comida.

12. Atualmente, divido um quarto minúsculo e sem janelas com cerca de sete outras detidas.  
O número de pessoas no quarto varia entre sete e dez – assim que algumas saem, o ICE coloca outras no lugar.
13. Recebi uma cama dura como pedra e um cobertor que literalmente se desfaz. Como não tenho travesseiro, uso minhas roupas como apoio para a cabeça; entre a falta do travesseiro e a cama dura, frequentemente sinto dores que vão do pescoço até o ombro.
14. Infelizmente, o quarto onde dormimos está sempre gelado. Em várias ocasiões, pedi meias extras aos guardas para tentar me aquecer, mas eles recusaram e mandaram comprar no Delaney. Felizmente, as colegas de quarto cuidam umas das outras e compartilham roupas extras quando podem.
15. No quarto, todas compartilhamos um único telefone para entrar em contato com família e amigos.
16. Não há banheiro dentro do quarto compartilhado, então, quando preciso usá-lo à noite, dependendo da autorização do guarda de plantão – várias vezes me disseram para esperar até de manhã.
17. Os chuveiros estão cheios de mofo e mal funcionam.
18. Durante o dia, temos acesso a uma “sala de convivência” separada, compartilhada com todas as outras detidas – essa sala consiste apenas em duas televisões. Também temos uma hora de atividades ao ar livre dia sim, dia não, mas fora isso ficamos presas na instalação.
19. A comida no Delaney é horrível. Em várias ocasiões, recebi comida idêntica à de gato, as refeições estão sempre frias e não há um horário fixo para comer – às vezes recebo café da manhã às cinco da manhã e almoço às quatro da tarde. Muitas das meninas sofrem com dores de estômago e diarreia após comer.

20. A parte mais assustadora da minha detenção é não receber meus medicamentos, essenciais para minha sobrevivência, em tempo hábil.
21. Sofro de hipertensão arterial grave, o que exige que eu meça a pressão ao longo do dia e tome remédios periodicamente. No Delaney, minha pressão só foi verificada uma vez, no processo de entrada, e todos os dias tenho que implorar aos guardas pelos meus remédios. A resposta padrão é que não há nada que possam fazer e que receberei os medicamentos “quando for a hora”. Todos os dias fico preocupada, pois não estou monitorando minha pressão e nem tomando os remédios no horário correto. Como resultado, tenho dores de cabeça fortes e constantes e me sinto extremamente tonta. O fato de receber comida apenas quando a instalação decide, e não poder comer quando tomo o remédio, agrava ainda mais os sintomas.
22. Também sofro de um distúrbio ovariano. Devido à dor intensa e à menstruação irregular, preciso tomar medicamentos hormonais/anticoncepcionais. Assim como ocorre com os remédios da pressão, não recebo esses medicamentos em tempo hábil. Com isso, a dor se intensifica e a menstruação se torna extremamente irregular – o fato de ter que pedir permissão para usar o banheiro à noite, e correr o risco de ser negada, torna ainda pior a situação.
23. Durante meu tempo no Delaney, tenho estado extremamente deprimida – sinto-me completamente derrotada. As outras detidas tentam me animar fazendo meu cabelo ou me oferecendo café, mas esse sentimento de desesperança tem me dominado. Ainda assim, tento me manter forte pela minha família do lado de fora.

## **PEDIDO DE LIBERDADE**

24. Se for libertada, cooperarei com quaisquer condições impostas e continuarei trabalhando com o Nova Law Group no processo do formulário I-130 e, posteriormente, no I-485. Também compreendo que meu caso continuará em andamento. Tenho plena intenção de participar de todas as etapas do processo, mas gostaria de fazê-lo ao lado do meu marido.
25. Se for libertada e tiver a oportunidade de permanecer nos EUA, continuarei sendo uma pessoa cumpridora da lei, continuarei servindo minha comunidade, sendo uma esposa e madrastra amorosa, grata e orgulhosa, e continuarei amando e respeitando este país, como faço desde o dia em que cheguei aqui.

**Certifico que as declarações acima feitas por mim são verdadeiras. Estou ciente de que, se qualquer uma das declarações acima for deliberadamente falsa, estarei sujeita a punição.**



**Data: 10/13/25**

**ALESSANDRA DE FATIMA LOMEU**

# **EXHIBIT F**

**OFFICE OF INSPECTOR GENERAL**

**Issues Requiring Action  
at the Essex County  
Correctional Facility in  
Newark, New Jersey**



**Homeland  
Security**

**February 13, 2019**

**OIG-19-20**



# DHS OIG HIGHLIGHTS

## *Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey*

**February 13, 2019**

### **Why We Did This Inspection**

This inspection is part of an ongoing review of ICE detention facilities. While conducting an unannounced visit to the Essex County Correctional Facility using ICE's 2011 *Performance-Based National Detention Standards*, we identified serious violations.

### **What We Recommend**

We recommend that ICE conduct a full review of the Essex County Correctional Facility and Essex County Department of Corrections' management of the facility immediately to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must ensure compliance with the standards addressing reporting incidents involving detainees and facility conditions.

**For Further Information:**

Contact our Office of Public Affairs at (202) 981-6000, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

During our July 2018 unannounced inspection of the Essex County Correctional Facility in Newark, New Jersey, we identified a number of serious issues that violate U.S. Immigration and Customs Enforcement's (ICE) 2011 *Performance-Based National Detention Standards* and pose significant health and safety risks at the facility. Specifically, we are concerned about the following issues:

- Unreported Security Incidents
- Food Safety Issues
- Facility Conditions

ICE must ensure the Essex County Correctional Facility complies with detention standards to establish an environment that protects the safety, rights, and health of detainees, including more closely scrutinizing the facility's process for reporting incidents involving detainees, the handling of perishable foods, and the detainees' living conditions. Mitigation and resolution of these issues require ICE's immediate attention and increased engagement with the facility and its operations.

### **ICE Response**

ICE concurred with the report recommendation and described corrective actions to address the issues identified in this report. We consider the recommendation resolved and open.




## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

February 13, 2019

MEMORANDUM FOR: Ronald D. Vitiello  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement

FROM: John V. Kelly   
Senior Official Performing the  
Duties of the Inspector General

SUBJECT: *Issues Requiring Action at the Essex County  
Correctional Facility in Newark, New Jersey*

For your action is our final report, *Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving ICE detention operations. Your office concurred with the recommendation. Based on information provided in your response to the draft report, we consider the recommendation open and resolved.

Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to [OIGSREFollowup@oig.dhs.gov](mailto:OIGSREFollowup@oig.dhs.gov).

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination

Please call me with any questions, or your staff may contact Jennifer L. Costello, Deputy Inspector General, or John D. Shiffer, Chief Inspector, at (202) 981-6000.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

### Background

The Essex County Correctional Facility in Newark, New Jersey, is owned and operated by the Essex County Department of Corrections, and can house up to 928 male U.S. Immigration and Customs Enforcement (ICE) detainees through an Intergovernmental Service Agreement (IGSA) between the Essex County Department of Corrections and ICE. Based on this agreement, the Essex County Correctional Facility must comply with ICE's 2011 *Performance-Based National Detention Standards*, as revised in December 2016. These detention standards establish requirements for areas such as:

- environmental health and safety: e.g., cleanliness, sanitation, security, admission into facilities, classification, detainee searches, segregation<sup>1</sup> (Special Management Units), and disciplinary system;
- detainee care: e.g., food service, medical care, and personal hygiene;
- activities: e.g., religious practices, telephone access, and visitation; and
- grievance system.

In July 2018, we visited the Essex County Correctional Facility as part of our latest round of unannounced spot inspections. At the time, approximately 216 Essex County Department of Corrections' guards oversaw 797 male detainees. At the facility, detainees with prior criminal history are held in 1 of 7 housing units with up to 64 cells holding 2 detainees per cell. Detainees with no criminal history are held in 1 of 7 open bay dormitories, each holding up to 60 detainees. Finally, the Special Management Unit contained eight cells, in a corridor physically separated from inmates, for segregated detainees who had violated facility rules or requested to be separated from other detainees for their safety. While at the facility, we identified serious issues relating to safety, security, and environmental health that require ICE's immediate attention. These issues not only constitute violations of ICE detention standards but also represent significant threats to detainee health and safety.

### Failure to Report Guard's Unsecured Loaded Firearm Reflects Ongoing Problem

According to the ICE Standards,<sup>2</sup> Essex County Correctional Facility must report to ICE any incidents involving detainees. However, the facility failed to

<sup>1</sup> Segregation is the process of separating certain detainees from the general population for administrative, disciplinary, or protective reasons.

<sup>2</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 2.4, Facility Security and Control (Revised Dec. 2016). The pertinent part of this standard requires facility administrators to ensure the ICE field office director "is promptly notified of any incident or allegation of staff misconduct if that misconduct relates to treatment of ICE detainees, to the security or safety of



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

do so following a detainee's discovery and reporting of a guard's loaded handgun left in a facility staff bathroom that the detainee was cleaning. This marks the fourth time in less than a year that the facility failed to notify ICE of incidents involving detainees and raises serious concerns about the facility's ability to handle security issues.

Interviews with detainees and facility management revealed that an Essex County Department of Corrections guard left a loaded handgun in the facility staff bathroom stall in April 2018. Facility leadership confirmed the incident occurred in a staff bathroom, which detainees clean as part of their job duties. A detainee on a cleaning crew reported discovering the loaded weapon and notifying guards. ICE Standards<sup>3</sup> mandate that officers store all weapons in individual lockers before entering the facility. The guard in question admitted to leaving the loaded handgun in the bathroom and was given a 90-day suspension, which was later reduced in a settlement to a 45-day suspension.

Facility leadership completed a review of the incident, but did not interview the detainee who found the weapon. Rather, facility leadership reported to us that they told the detainee not to discuss the matter with anyone else. The review documented by the facility does not mention that the detainee found and reported the loaded weapon.

Facility records also do not indicate that ICE was notified of the incident, as required by ICE Standards. ICE confirmed it was never notified, despite previously citing the facility for failure to report issues involving detainees, including detainee fights and hospitalization for mental illness. Although the Essex facility initiated new procedures in response to the previous citation, facility management confirmed they did not contact ICE or report the incident even after the facility completed its review.

During our site visit, we notified ICE of the incident and, in August 2018, ICE issued a Contract Discrepancy Report. The report outlined this incident as the fourth time in less than a year that the Essex Facility had failed to notify ICE of detainee-related incidents. The penalty for this discrepancy report can be a fine up to a 5 percent reduction of invoiced amounts. The penalty is pending final review and issuance by ICE.

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the facility, or to compliance with detention standards or the provisions of the facility's contract with ICE."

<sup>3</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 2.7, Key and Lock Control (Revised Dec. 2016). The pertinent part of this standard requires that "all firearms shall be stored in secure gun lockers before their carriers enter the facility."



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Not only does this specific incident pose significant security and safety risks, but so does the facility's pattern of failing to report such incidents involving detainees. Consequently, ICE must more closely scrutinize and oversee the facility's process for reporting incidents involving detainees, and administer penalties as appropriate.

### **Food Safety Issues Endanger Detainee Health**

During our visit to the Essex County Correctional Facility, we identified a host of food safety problems that could endanger the health of detainees. ICE standards<sup>4</sup> obligate the Essex Facility to ensure sound safety and sanitation practices in all aspects of food service. However, when inspecting the refrigeration units, we found mishandling of meats and storage of moldy bread, which has led to potentially contaminated food being served to detainees. The food handling, in general, was so substandard that ICE and facility leadership had the kitchen manager replaced during our inspection. Overall, our inspection validated media reports<sup>5</sup> of concerns about food, particularly meat, which was raw, spoiled, or expired.

We observed open packages of raw chicken leaking blood all over refrigeration units (see figure 1) and identified slimy, foul-smelling lunch meat, which appeared to be spoiled, held in the refrigeration unit. Although this mishandling of meats can spread salmonella, listeria, and E. coli, leading to serious foodborne illness, we observed facility staff serving this potentially spoiled meat to detainees.

<sup>4</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 4.1, Food Service (Revised Dec. 2016). The pertinent part of this standard requires that "[d]etainees, staff and others shall be protected from injury and illness by adequate food service training and the application of sound safety and sanitation practices in all aspects of food service and dining room operations."

<sup>5</sup> *Ailing Justice: New Jersey, Inadequate Healthcare, Indifference, and Indefinite Confinement in Immigration Detention*, Human Rights First (February 2018), <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>.



**OFFICE OF INSPECTOR GENERAL**  
 Department of Homeland Security



**Figure 1.** Refrigerator with blood leaking from open boxes containing raw chicken. Observed by the Office of Inspector General (OIG) at the Essex Facility on July 24, 2018. *Source:* OIG

Detainees also reported being repeatedly served meat that smelled and tasted bad. During dinner service, we observed facility staff serving detainees hamburgers that were foul smelling and unrecognizable (see figure 2).



**Figure 2.** Slimy and discolored lunch meat stored without any labels (at left). Hamburger patty served to detainees that was foul smelling and unrecognizable (at right). Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we observed expired and moldy bread in the facility refrigerator despite U.S. Department of Agriculture guidance<sup>6</sup> to discard bread with mold. Kitchen staff reported placing all unused bread from food service into large trash bags and trash cans to be used for making bread pudding once every 2–3 weeks. Furthermore, kitchen management posted a sign prohibiting the disposal of any bread (see figure 3). According to the U.S. Department of Agriculture, such practices put the health of staff and detainees at risk as mold

<sup>6</sup> United States Department of Agriculture: Molds On Food: Are They Dangerous? [https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/molds-on-food-are-they-dangerous\\_/ct\\_index](https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/molds-on-food-are-they-dangerous_/ct_index)



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can cause allergic reactions and respiratory problems, and some molds, in the right conditions, can produce poisonous substances that can cause illnesses.



**Figure 3.** Undated moldy bread held in the refrigeration unit for indefinite periods. Signage posted in the kitchen to direct staff not to discard any bread. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Our interviews with detainees and review of grievances corroborated concerns regarding food safety at the Essex Facility. Detainees stated the food was of low quality and consuming it caused vomiting and diarrhea, common symptoms of food poisoning. Detainees also stated most of them now purchase their food through the commissary, which generally does not offer fresh meat and produce. From January 2018 to July 2018, detainees filed approximately 200 kitchen-related grievances (about 12 percent of all grievances filed) with comments such as:

- “For dinner, we were served meatballs that smell like fecal matter. The food was rotten.”
- “The food that we received has been complete garbage, it’s becoming impossible to eat it. It gets worse every day. It literally looks like it came from the garbage dumpster; I have a stomach infection because of it and the nurse herself told me it was caused by the food.”

Further, a detainee in segregation said the food was so bad that he had started a liquid only diet and was considering a full hunger strike.

Based on the substandard food safety and sanitation practices we observed, ICE cannot ensure detainee health at the Essex Facility. Although ICE standards require the protection of detainees from illness through adequate food service, the Essex Facility has risked the spread of foodborne illness by knowingly serving detainees potentially contaminated meat and bread. As a result, ICE must more closely scrutinize and oversee the facility’s management



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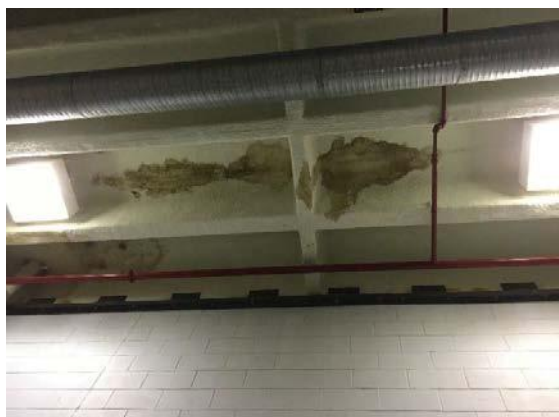
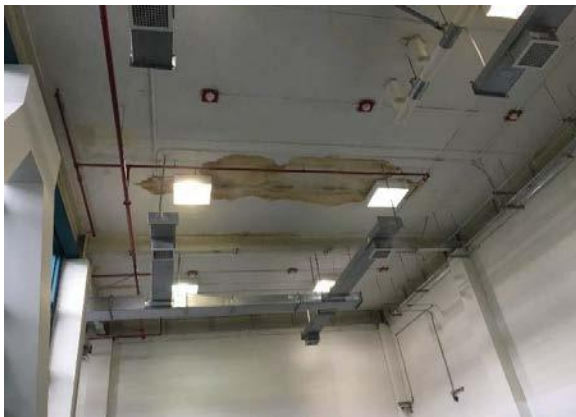
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of food processing, preparation, and storage to ensure it complies with required standards.

### Facility Conditions Present Risks to Detainee Health and Safety

ICE standards<sup>7</sup> require the facility to conduct preventive maintenance and regular inspections to ensure timely repairs. Despite these standards, we observed environmental conditions at the Essex Facility that pose serious health and safety risks for detainees, including leaking ceilings in detainee living areas, showers laced with mold and peeling paint, and dilapidated beds. Detainees also lack access to recreation space outside of their living area.

During our inspection, we found ongoing leaks in every housing unit holding detainees (see figure 4). We observed two of the leaks dripping directly onto detainee beds. We also witnessed trash cans placed around the facility to catch water leaking from the ceiling. These leaks can cause mold and mildew growth, which can spread throughout the facility leading to serious health issues for detainees, including allergic reactions and persistent illnesses.



**Figure 4.** Roof leaks found in every housing unit.

Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Facility conditions in the showers also revealed serious concerns about basic maintenance and upkeep. Although the facility reported that it rotates maintenance and painting for detainee living areas, in six of the seven detainee

<sup>7</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that “[p]reventive maintenance and regular inspections shall be performed to ensure timely emergency repairs or replacement and to prevent dangerous and life-threatening situations.”



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dormitories and all seven detainee housing units, shower stalls<sup>8</sup> were unsanitary as evidenced by mildew, mold, and peeling paint. Mold in the showers extended into the hallways leading to the showers (see figure 5).



**Figure 5.** Hallway leading to shower filled with mold and shower stall with mold, mildew, and peeling paint. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we found housing unit mattresses<sup>9</sup> in such poor condition that detainees were using bed sheets to tie the seams of mattresses together so the filling did not come out (see figure 6). The facility does not provide pillows, but rather has them built into the mattresses, which were completely flat and dilapidated. Facility staff stated that guards are responsible for inspecting and replacing old mattresses. However, guards in the housing units said they wait for detainees to complain about old bedding before requesting new mattresses.

<sup>8</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness.

<sup>9</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 4.5, Personal Hygiene (Revised Dec. 2016). The pertinent part of this standard requires that all detainees shall be issued clean bedding, linens, and a towel and be held accountable for those items.



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**Figure 6.** Detainee mattresses being held together with tied sheets. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

ICE standards<sup>10</sup> require that all detainees be allowed outdoor recreation time outside their living area. However, the Essex Facility lacks outdoor space, and recreation for detainees was located within housing units. We observed large glass enclosures inside detainee living areas with mesh cages at the top to allow in outside air (see figure 7). Facility staff indicated that ICE was going to build a soccer field for outdoor recreation when the facility began housing detainees in 2010, but ICE never completed the project. ICE records indicate discussions had taken place regarding outdoor recreation, but no agreements were made between ICE and the facility. Based on our review of the contract and ICE inspection records, ICE officials have never documented concerns regarding outdoor recreation in their weekly inspections or cited the facility for failure to meet this detention standard since it began housing detainees.

<sup>10</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 5.4, Recreation (Revised Dec. 2016). The pertinent part of this standard requires that “[d]etainees shall have access to exercise opportunities and equipment at a reasonable time of day, including at least one hour daily of physical exercise outside the living area, and outdoors when practicable. Facilities lacking formal outdoor recreation areas are encouraged to explore other, secure outdoor areas on facility grounds for recreational use. Daily indoor recreation shall also be available.”



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**Figure 7.** Mesh cages added to glass enclosure inside housing areas to provide “outdoor” recreation for detainees. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

### Recommendation

**Recommendation:** We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections’ management of the facility to ensure compliance with ICE’s 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents;
2. Food safety; and
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

### Management Comments and OIG Analysis

We obtained management comments to the draft report from ICE. We included a copy of those comments, in their entirety, in appendix A. We also made other revisions, where appropriate, to address separate technical comments ICE provided. We consider the recommendation resolved and open. A summary of ICE’s response and our analysis follows.

**ICE Response:** Concur. ICE immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure facility compliance with the PBNDS [*Performance-Based National Detention Standards*].



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ICE took action to address unreported security incidents including interviewing the detainee who claimed to have found the firearm and reviewing facility documentation on the firearm incident. Ultimately, ICE issued the facility a Contract Discrepancy Report for failure to report the incident to ICE as required under the facility contract.

In reference to the food safety issues, ERO [Enforcement and Removal Operations] Newark management and staff took the following specific actions: ICE officers observed an immediate, thorough on-the-spot response by Essex County Correctional Facility Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the facility food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the facility's ICE Detention Service Manager conduct daily inspections of the food services area to ensure continuity of compliance measures. The food service contractor was also issued a Contract Discrepancy Report for the deficiencies in food management. Facility management and the ICE Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis to ensure compliance.

In reference to the facility conditions, ERO Newark management and staff took the following specific actions: ICE officers observed an immediate response by facility operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. Facility management staff has incorporated a new maintenance schedule to prevent reoccurrence. In addition, the facility was given another Contract Discrepancy Report for the poor facility conditions.

To ensure ongoing compliance with ICE's 2011 PBNDS at the Essex facility, ICE will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next 6 months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the Essex County Correctional Facility management staff to determine whether a dedicated outdoor recreation area is feasible. Estimated Completion Date: June 30, 2019.



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**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation confirming the completion of the follow-up inspection and modifications made for outdoor recreation.

### Scope and Methodology

We visited the Essex County Correctional Facility as part of our larger effort to inspect ICE detention facilities. We used ICE's 2011 *Performance-Based National Detention Standards* to conduct our inspection, as these are the standards under which the facility reported currently operating. These standards, developed in coordination with component stakeholders, prescribe the expected outcomes of each standard and the expected practices required to achieve them. ICE detention standards were designed to improve safety, security, and conditions of confinement for detainees.

During our inspection, we interviewed the following ICE staff members: ICE Assistant Field Office Director, Supervisory Detention and Deportation Officer, and Detention Services Manager. We interviewed employees of the Essex County Department of Corrections, including the Director, Compliance Officer, Grievance Coordinator, Classification Officer, Segregation Supervisor, and Assistant Health Services Administrator. We also interviewed detainees held in the general population and segregation. We reviewed documentation from previous ICE inspections, facility documents, detainee records, and documentation of grievances.

As part of our inspection, we toured the following areas of the facility:

- General medical unit for detainees
- Kitchen
- Special Management Unit (segregation)
- Modular housing units, including individual cells, and open bay dormitories
- Facility intake
- Control room

We also reviewed ICE and Essex County Department of Corrections documentation related to facility violations, contract modifications and penalties, and repairs.

We conducted this review from July 2018 to September 2018 under the authority of the *Inspector General Act 1978*, as amended, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency. Major contributors to this



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report are John D. Shiffer, Chief Inspector; Stephanie Christian, Lead Inspector; Ryan Nelson, Senior Inspector; and Adam Brown, Independent Reference Reviewer.



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**Appendix A**  
**ICE Response to the Draft Management Alert**

*Office of the Chief Financial Officer*

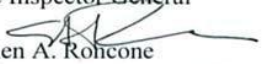
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

December 19, 2018

MEMORANDUM FOR: John V. Kelly  
Senior Official Performing the Duties  
of the Inspector General

FROM:   
Stephen A. Roncone  
Chief Financial Officer and  
Senior Component Accountable Official

SUBJECT: Management Response to OIG Draft Report: "Issues  
Requiring Action at the Essex County Correctional Facility in  
Newark, New Jersey" (Project No. 17-123-ISP-ICE (Essex))

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE is committed to continually enhancing the safety, rights, and health of detainees in ICE's care. In its prior work, the OIG acknowledged ICE's collaboration with stakeholders for more than a decade to improve the safety, security, and conditions of confinement for detainees. ICE utilizes a layered approach to monitor detention conditions at facilities, with processes in place to implement corrective actions if it finds that facilities are not in compliance with ICE detention standards. ICE's detention operations are governed by national detention standards and are overseen by field office personnel, inspections by ICE's Office of Professional Responsibility, and other programmatic oversight and inspections by ICE's Office of Enforcement and Removal Operations (ERO). ICE works daily to ensure that facilities comply with ICE detention standards or take the necessary corrective action to address problems and concerns.

In alignment with its approach to monitoring detention conditions, ICE has completed multiple inspections of the Essex County Correctional Facility (ECCF) in recent years. For example, ICE has completed its annual contract inspections, and the ICE Office of Detention Oversight performed a facility review in April 2016. When deficiencies were identified, the facility proposed a Uniform Corrective Action Plan, and ICE ensured corrections were completed. ICE will continue these efforts as it addresses the OIG's findings, and will work to gain compliance of its performance standards at the facility.

[www.ice.gov](http://www.ice.gov)



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The draft report contained one recommendation with which ICE concurs. Attached find our detailed response to the recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact us if you have any questions. We look forward to working with you again in the future.

Attachment



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### Attachment: Management Response to Recommendation Contained in 17-123-ISP-ICE (Essex)

**Recommendation:** We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections' management of the facility to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards* [PBNDS]. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents
2. Food safety
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

**Response:** Concur. ICE ERO Newark discussed the OIG's findings with the auditors at the conclusion of the inspection, and immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure ECCF compliance with the PBNDS.

1. In reference to the unreported security incidents, ERO Newark management and staff took the following specific actions:

On July 30, 2018, ERO Newark officers conducted a personal interview with the detainee claiming to have located the firearm. The detainee repeated his assertion to the OIG auditors that he was the one who found the weapon; however, he could not provide information about anyone else who could corroborate his story and no other supportive evidence was discovered to substantiate his claim. ERO Newark officers confirmed that there are no surveillance cameras that would provide video evidence of activity in the area of the found weapon.

ERO Newark received a copy of the complete investigation conducted by ECCF officials. The report clearly states an ECCF officer located the firearm, which was reportedly left in the bathroom stall by an officer prior to departing the facility at the end of his shift. ECCF also included the disciplinary actions that were taken on the officer that left his gun in the officers' bathroom. A copy of the complete report was provided to the DHS OIG auditors prior to the completion of their inspection.

ERO Newark received no previous notification from ECCF about the found firearm, nor did the detainee witness previously come forward with his claim of finding the weapon to the ERO Newark officers or Detention Services Manager (DSM) who are assigned to tour the ECCF housing units daily. ERO Newark was unable to confirm the validity of either the ICE detainee's description, or the ECCF official report description of the incident.



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The ECCF incident report and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for failing to report the incident as addressed in ERO Newark Contract Discrepancy Report (CDR) 24, dated August 2, 2018. The CDR noted that ECCF, as per the contract (Article 21. Incident Reporting: Incident Reporting shall be in accordance with Attachment (6), Performance Work Statement, Section IIL A, 6-7), is required to immediately report any violations or attempted violations of employee standards of conduct related incidents, which are out of the ordinary or non-routine.

2. In reference to the food safety issues, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate, thorough on-the-spot response by ECCF Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the ECCF food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the ECCF ICE DSM conduct daily inspections of the food services area to ensure continuity of compliance measures.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the food service deficiencies addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF management and the Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis.

3. In reference to the facility conditions, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate response by ECCF operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. ECCF management staff has incorporated a new maintenance schedule to prevent reoccurrence.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the facility conditions addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF

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supervisory and management staff and the Quality Assurance Coordinator have been assigned to maintain daily on-the-spot corrections of facility conditions.

ICE ERO is evaluating the responses to the CDRs and will determine necessary contract penalties. To ensure ongoing compliance with ICE's 2011 PBNDS at ECCF, ICE ERO will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next six months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the ECCF management staff to determine if a dedicated outdoor recreation area is feasible.  
Estimated Completion Date: June 30, 2019.



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**Appendix B**  
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# **EXHIBIT G**

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 Newark

## Inside the Tumult That Led 4 Men to Escape From a Migrant Facility

By Tracey Tully, Luis Ferré-Sadurní and Raúl Vilchis, 2025-06-14



Law enforcement officers drag and push protesters away from a gated entrance to Delaney Hall, a privately run immigration detention center in Newark, N.J., June 13, 2025. The reported escape of four detainees here has raised urgent questions about living conditions inside the facility and others like it across the country, now holding about 51,000 migrants nationwide. (Dakota Santiago/The New York Times)

Conditions had been disintegrating for days inside a huge immigration detention center in an industrial corner of Newark, New Jersey.

meals had been erratic at the privately run facility that last month began holding migrants facing deportation. Some detainees were sleeping on floors. And the water available from faucets was sometimes scalding or foul-tasting.

Several dozen men in Unit 5, on an upper floor of the jailhouse known as Delaney Hall, had grown frustrated. And after returning Thursday afternoon from a first-floor cafeteria, where they said they had been given slices of bread in place of a meal, they began covering security cameras and smashing at walls and windows.

Two security guards stationed in the unit retreated, and some of the detainees pushed the door closed.

By the time the disruption was over, four men had escaped.

This account of events before and after the escape is based on interviews with several immigration lawyers who spoke to clients at Delaney Hall during the melee and more than a dozen people who had conversations with loved ones who called from inside the jail, pleading for help. On Friday, Sen. Andy Kim and Rep. Rob Menendez, both Democrats from New Jersey, offered additional details after touring the facility and speaking with federal officials and representatives from GEO Group, the private company that runs the 1,000-bed jail.

The tumult raised urgent questions about the living conditions inside the detention facility and others like it across the country as President Donald Trump ramps up immigration arrests, filling to capacity many detention centers that, together, are holding about 51,000 migrants nationwide.

The breakout also prompted scrutiny of GEO Group and the measures it took as it converted a facility that had been dormant for about a year into a detention center after winning a 15-year, \$1 billion contract from the Trump administration in February. Local officials have for months raised concerns that Delaney Hall had not been properly inspected, leading the mayor of Newark, Ras J. Baraka, to sue GEO Group as he sought to force the company to reapply for a new certificate of occupancy.

The men who escaped had punched a hole through an exterior wall of the jail that Kim described as crude – “essentially just drywall with some mesh inside.”



Federal law enforcement officers from various agencies after demonstrators blocked a bus outside of Delaney Hall in Newark, N.J., June 13, 2025. Four men escaped from the privately run immigration detention center in Newark during a disturbance on Thursday after days of unrest over conditions, according to a law enforcement official in New Jersey, a federal spokeswoman and other detainees’ lawyers. (Dakota Santiago/The New York Times)

“It shows just how shoddy construction was,” he said, and highlights what can happen when for-profit prisons “try to pocket” as much money as possible.

On Friday afternoon, representatives from GEO Group pushed back on that claim, noting all the services offered to the detainees, including medical care, family visitations and opportunities to exercise religious faiths.

“Contrary to current reporting, there has been no widespread unrest at the facility,” Christopher Ferreira, a GEO Group spokesperson, said in an email.

Since, on Friday night, guards began loading migrants into large white vans and appeared to be evacuating at least part of the facility as officials from the Department of Homeland Security, which oversees the Immigration and Customs Enforcement agency, rushed to contain the fallout.

Trouble had been brewing at Delaney Hall for days.

Detainees had complained to their lawyers and to relatives about increasingly cramped quarters and paltry meals served at irregular hours.

The cafeteria was being used to accommodate migrants who had been moved out of other parts of the facility to address crowding, Kim said. That disrupted the delivery of the already small portions of food, he said.

At about 4:30 p.m. Thursday, the tension hit a tipping point.

“Guards — they lost control,” said Mustafa Cetin, a New Jersey immigration lawyer who spent 11 minutes on the phone Thursday night with a Turkish client who huddled during the chaos with others in Unit 5.



Protesters who had linked arms to block a gated entrance to Delaney Hall are dragged by law enforcement officers away from the privately run immigration detention center in Newark, N.J., June 13, 2025. The reported escape of four detainees here has raised urgent questions about living conditions inside the facility and others like it across the country, now holding about 51,000 migrants nationwide. (Dakota Santiago/The New York Times)

The Turkish man, a father of three who lives in South Jersey, told Cetin that after a hole was punched through the wall, the men who escaped used bedsheets to lower themselves to the ground.

Kim said that the fleeing men wound up in an adjacent parking lot and then climbed a fence behind the facility to escape.

A woman whose brother, José, was being held at the facility, said she got a call from him at 5:44 p.m. Thursday. A Salvadoran construction worker in New Jersey, he had been there for several weeks after being detained when he showed up for a court hearing.

“He told me he was scared and didn’t know what would happen to him,” said the woman, who asked to be identified only by her first name, Cecilia, because she fears retaliation. “People were desperate, breaking doors, banging on walls.”

The unit was also very hot, she said, with air conditioning that was either broken or not working well. Temperatures on Thursday in Newark were unseasonably high, hitting 91 degrees in the late afternoon.

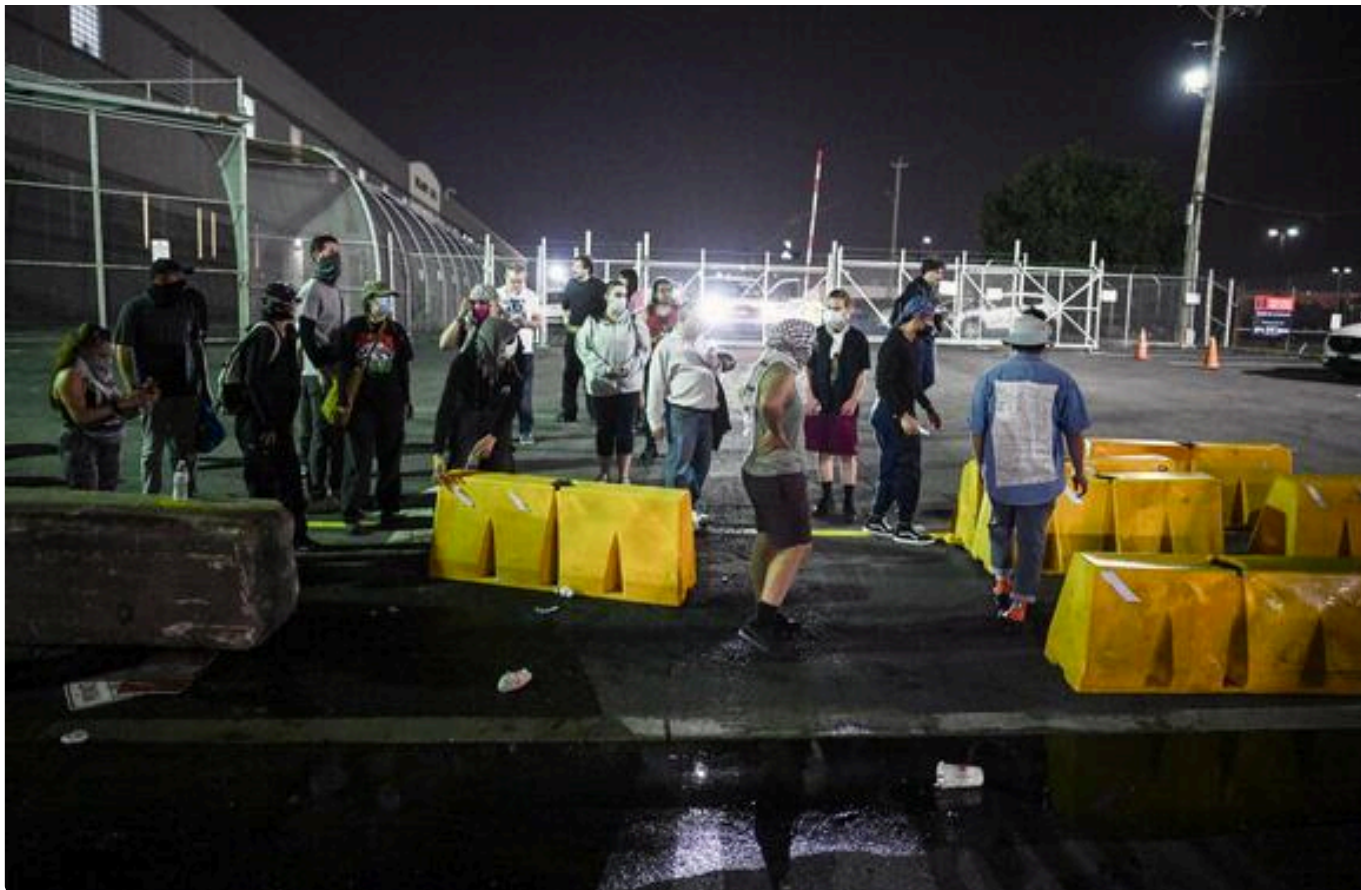
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At around the same time, another detainee called a staffer at DIRE, an emergency immigration hotline in New Jersey.

“We could hear screaming and yelling in the background,” said Ellen Whitt, a volunteer who works at DIRE.

(END OPTIONAL TRIM.)

People who had been scheduled to visit detainees Thursday afternoon were turned away. Many were still gathered outside when a fire truck showed up, followed by squad cars from the Newark Police Department and the Essex County Sheriff’s Department.



Protesters drag plastic barricades to the main gate at Delaney Hall, a private immigration detention facility in Newark, N.J., in an attempt to block entry by federal agents on Thursday night, June 12, 2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Victor J. Blue/The New York Times)

Soon after, vans filled with masked federal agents wearing vests labeled ICE and ERO, an ICE division known as the Enforcement Removal Operation, began arriving and entered through the locked gated perimeter of the facility, according to several videos taken by immigrant rights activists and relatives of detainees.

One van that entered held two gray vats of material labeled “toxic” and “flammable,” according to photos taken by a witness and shared with The New York Times.

As guards attempted to restore order, a pungent odor filled Unit 5, Cetin said, and his client doused fabric with water and placed it under a door in a dormitory-style room to try to keep a strong smell of gas from seeping in.

Over in Unit 4, a guard entered and asked a Mexican detainee if the “gas” that had been fired to quell unrest in another part of the building had reached his dormitory, according to Rosalinda Ortega 35 the detainee’s wife

He's the only one who speaks English in his room, and he told me that an official asked him if they were fine, because they had thrown gas to control the other people, and they wanted to check because the windows were sealed," Ortega said, relaying a phone conversation she had with her husband Friday.

Delaney Hall has for weeks been the site of protests against the Trump administration's immigration arrests. As news of the disturbance began to spread Thursday night, so did the size of the crowd outside.

At nightfall, a K-9 unit and agents with the FBI arrived.

(BEGIN OPTIONAL TRIM.)

A New Jersey law enforcement official who was briefed on the details of the escape said that the number of people who were believed to be missing fluctuated throughout the night, from five to nine and then to four.



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2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Victor J. Blue/The New York Times)

(END OPTIONAL TRIM.)

Federal authorities continued to search late Friday for the missing men, who, according to the Department of Homeland Security, were from Colombia and Honduras and all had criminal records. The men had crossed the border illegally in recent years or had overstayed their visas, the agency said. They had all been arrested in New Jersey or New York for crimes that included weapons possession, burglary, aggravated assault and terroristic threats.

Officials announced a \$10,000 reward for information about their whereabouts.

(STORY CAN END HERE. OPTIONAL MATERIAL FOLLOWS.)

Worried families showed up at Delaney Hall early Friday, hoping to get a glimpse of their loved ones.

Ortega, the wife of the Mexican detainee, said she drove 13 hours from Gainesville, Georgia, with her three young daughters, hoping to pick up her husband, who had been scheduled to be released Friday.

She worried that the breakout would delay or derail their reunion.

She and her daughters watched Friday evening as van after van filled with migrants exited the facility, wondering aloud if their husband and father was inside one of them and where he might be going next.

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A protester douses a fellow demonstrator's eyes with water after she was doused with pepper spray outside Delaney Hall, a private immigration detention facility, in Newark, N.J., on Thursday night, June 12, 2025. Dozens of law enforcement officials from several policing agencies responded on Thursday to Delaney Hall after reports of a disturbance inside. (Bryan Anselm/The New York Times)