U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

March 3, 2026

By ECF
Honorable Gary R. Brown
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Clarke v. Nassau County Correctional Center, et al.*,
Civil Action No. 25-cv-6773 (Brown, J.)

Dear Judge Brown:

This Office and Federal Respondents U.S. Department of Homeland Security and the Executive Office for Immigration Review respectfully submit this letter in response to Your Honor's February 11, 2026 Order. With the consent of counsel for Mr. Clarke, this Office requests leave to supplement this response with certain information, including information concerning the warrant in this case, by or before March 10, 2026.

1. **Whether the Notice to Appear and Warrant for Arrest Preceded or Succeeded the Arrest**

The Notice to Appear succeeded Mr. Clarke's arrest.

2. **The Actual Times that Mr. Clarke Arrived at and Departed from ICE Detention Facilities**

Mr. Clarke was detained at the Central Islip Hold Room ("CIHR"), the Nassau County Correctional Center ("NCCC"), and ICE's Delaney Hall Detention Facility ("DHDF"). Immigration and Customs Enforcement ("ICE") has revisited its records, reviewed records maintained by NCCC, and obtained information from other sources to provide the best estimation of arrival and departure dates and times at these facilities. Based on this review, and with the understanding that exact times in most instances cannot be provided:

- Mr. Clarke arrived at 100 Federal Plaza, Central Islip, New York at approximately 11:55 a.m. on December 5, 2025. From approximately 12:00 p.m. on December 5, 2025, to approximately 9:40 a.m. on December 6, 2025, Mr. Clarke was detained at the CIHR. March 3, 2026 Declaration of Supervisory Detention Officer John Diaz ("Diaz March 3 Dec.") at ¶¶ 4-6.

- On Saturday, December 6, 2025, at approximately 9:40 a.m., Mr. Clarke was booked out of the CIHR and transferred to NCCC. Diaz March 3 Dec. at ¶ 7.

- On Saturday, December 6, 2025, at 10:40 a.m. Mr. Clarke was booked into NCCC. Diaz March 3 Dec. at ¶ 8.

- On Tuesday, December 9, 2025, at 4:07 p.m. Mr. Clarke was booked out of the NCCC. He was then booked into CIHR at approximately 5:00 p.m. Mr. Clarke was detained at CIHR from December 9, 2025, to December 10, 2025. Diaz March 3 Dec. at ¶ 9.

- On Wednesday, December 10, 2025, Mr. Clarke was booked out of the CIHR at 8:30 p.m. Mr. Clarke was then transported to the DHDF. Diaz March 3 Dec. at ¶ 10.

- Mr. Clarke was booked into the DHDF at approximately 10:50 p.m. on December 10, 2025. Diaz March 3 Dec. at ¶ 11.

- On Thursday, December 11, 2025, Mr. Clarke was booked out of the DHDF at approximately 5:10 p.m. Diaz March 3 Dec. at ¶ 12.

3. The Status of the Lighting Changes at the CIHR

On January 14, 2026, General Services Administration ("GSA") reduced the wattage of the lighting inside the CIHR hold rooms. Before this change, the lighting system used a standard 32-watt, 4-foot fluorescent bulb, which is considered a mid-range color closer to white. The lighting system now uses an 8.9 watt, 4-foot bulb, which, according to GSA, is the softest color pattern, and closer to a warm yellow color. Declaration of Assistant Field Officer Director Bryan Flanagan dated March 3, 2026 ("Flanagan March 3 Dec.") at ¶¶ 9-10 (and Exhibit A).

On February 13, 2026, ICE followed up with GSA contractors and requested that they place a filament over the lighting system, so as to provide for dimmer lighting. It is ICE's understanding that this request has been approved, and work is expected to be done this week (March 3-March 6, 2026). Flanagan March 3 Dec. at ¶ 11.

4. The Notice of Rights and List of Pro Bono Providers

ICE is providing detainees at CIHR and NCCC with a list of rights to which they are entitled, including the right to calls with counsel, food, water, changes in clothes, and personal hygiene items. Flanagan March 3 Dec. at ¶ 12 (and Exhibits B and C). ICE detainees arrested in the Eastern District of New York are typically provided a List of Pro Bono Legal Service Providers in the New York area. Flanagan March 3 Dec. at ¶ 13 (and Exhibit D).

5. The NCCC

Detainees housed at the NCCC reside in a dorm overseen by NCCC staff. Flanagan March 3 Dec. at ¶ 14. Each detainee is typically provided with their own room, which includes bedding, toilet, and potable water. Flanagan March 3 Dec. at ¶ 15. Additionally, detainees are offered at least one shower a day and three meals a day. Id. According to NCCC personnel, each room is 6

by 8 feet, totaling 48 square feet. Id. Detainees can request calls with legal counsel. Flanagan March 3 Dec. at ¶ 16. Usually, this process requires notice of 2-3 hours, so the appropriate notifications can be made to jail staff, and the detainee can be escorted. Id. In-person visitation is not permitted at NCCC. Id. Pursuant to contractual agreement with Nassau County and applicable state law, ICE detainees may not be housed at the NCCC for more than 72 hours. *See* Flanagan March 3 Dec. at ¶ 17. As such, ICE transfers detainees who must be in custody for more than 72 hours to longer term detention facilities. See id.

6. Remedial Order

The Respondents have taken significant steps toward improving conditions of detention at the CIHR, as well as maintaining certain best practices at the facility. The Respondents respectfully request that the Court schedule a conference at its convenience for the purpose of addressing the scope of any proposed order and possible alternatives to an order.

Respectfully submitted,

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