

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Jose Arnulfo Guerrero Orellana,)
on behalf of himself and others)
similarly situated,)
)
Petitioner-Plaintiff,)
)
v.)
)
Antone Moniz, Superintendent,)
Plymouth County Correctional)
Facility, et al.,)
)
Respondents-Defendants.)

Civil Action No. 25-cv-12664-PBS

**DECLARATION OF ACTING FIELD OFFICE DIRECTOR
DAVID T. WESLING**

I, David T. Wesling, declare as follows:

1. I am an Acting Field Office Director (aFOD) with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the Boston Field Office (ERO Boston). I have held this position since June 2025. I am based in Burlington, Massachusetts. I oversee the Sub-Offices within ERO Boston, which is responsible for oversight of aliens detained in Massachusetts, New Hampshire, Rhode Island, Maine, and Vermont.

2. I am aware of the above-captioned lawsuit and the District Court’s Memorandum and Order, dated December 19, 2025 (Order). I provide this declaration in support of Defendants’ request for limited relief from certain of the notice timing requirements in the Court’s Order. My declaration is based upon my personal and professional knowledge and

information, belief, reasonable inquiry and review of information obtained from various records, systems, databases, and other DHS employees.

3. As to the requirement for Defendants to post notice of the declaratory judgment as set forth in the Court's Order in English, Spanish, Portuguese, and Haitian Creole, Defendants will post the notice in the common areas of any facility holding immigration detainees in Massachusetts or in any geographic area over which, as of September 22, 2025, an Immigration Court located in Massachusetts is the administrative control court. Defendants posted the notice in English in detention facility common rooms for detention facilities covered by the Court's Order on Wednesday, December 24, 2025.

4. Defendants obtained translations of the notice in Spanish, Portuguese, and Haitian Creole on Friday, December 26, 2025, and will post them in the common areas of detention facilities by the end of the day on December 26, 2025. Additionally, Defendants will provide individual service of written translations of the notice on newly arrested class members in Spanish, Portuguese, and Haitian Creole beginning on December 26, 2025. Furthermore, ERO will provide aliens on whom they serve the notice under Paragraphs 3 and 4 of the Court's order a verbal translation of the English notice, as needed. ERO will do this by contacting the third-party translation service used by ERO—Lionbridge—to verbally translate the notice.

5. As to the requirements regarding telephone access in Paragraph 6 of the Court's order, Defendants will endeavor to provide the alien with access to the telephone as soon as possible. However, due to the number of aliens who may be served with notice at one time, as compared to the limited number of available telephones in each facility, Defendants cannot guarantee that they will be able to provide every alien served with notice with access to a telephone to call an attorney within one hour after the alien receives the notice. For illustrative

purposes, for example, if eight detainees are served with notice at one time in order to meet the service requirements of Paragraphs 3 and 4, and there are two available telephones, and each detainee uses the opportunity to talk to an attorney for twenty minutes, there likely are not sufficient telephones to accommodate each detainee's request within one hour. It is feasible to require Defendants to provide the alien with access to a telephone as soon as possible, and no later than 24 hours after the alien receives notice.

6. As to the requirements in Paragraph 3 of the Court's order, it is not feasible for Defendants to guarantee individual service of notice to all aliens already in immigration detention who Defendants reasonably believe may be members of the class by January 2, 2026, particularly with respect to aliens who have been transferred out-of-state. In order to comply with this aspect of the Court's order, ERO Boston must conduct a preliminary search of all cases from October 30, 2025, to determine whether each alien's current case status falls within the class definition and that the data quality and integrity is accurate. To identify and locate each alien that falls within the order's definition of a class member, ERO Boston must manually review its own detention population, as well as lists of aliens who have been transferred outside of ERO Boston's jurisdiction to determine the current case history of every potential class member. In addition to identifying the initial detention authority of every potential class member, ERO Boston must further determine where the alien is located; whether the alien has been apprehended by an immigration enforcement agency at any border and released; whether the alien was placed into expedited removal proceedings; whether the alien has a criminal history that eliminates them from class membership; and/or whether the alien is subject to a final order of removal. To conduct each review, ERO must manually consult several databases, and review the related arrest reports and other relevant documentation to ascertain each alien's complete

immigration and criminal history. Once a potential class member is identified and located, coordination must occur with whichever ERO office maintains docket control over the alien such that service of the class notice and the phone call can be effectuated. As such, there will need to be nationwide ERO coordination to ensure this notification process is complied with. ERO Boston estimates that it must manually review 1,691 cases to determine whether and how to serve individual notice under Paragraph 3 of the Court's order.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed at Burlington, Massachusetts on December 26, 2025.

**DAVID T
WESLING**

Digitally signed by DAVID T
WESLING
Date: 2025.12.26 14:20:32
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David T. Wesling
Acting Field Office Director
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Burlington, Massachusetts