

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX , ss.

DISTRICT COURT DEPT.

In re: 1000 District Avenue : CIVIL ACTION No. \_\_\_\_\_  
Burlington, Massachusetts :

**THE TOWN OF BURLINGTON, by and through its BUILDING OFFICIAL'S  
APPLICATION FOR AN ADMINISTRATIVE SEARCH WARRANT**

NOW COMES the Town of Burlington, acting by and through its Building Official, and hereby requests issuance of an administrative search warrant pursuant to the authority hereinafter referenced, so as to permit entry for inspections, assessments and reinspection(s), as necessary, of certain premises known as and numbered 1000 District Avenue, Burlington, Massachusetts 01803 (the "Premises"), further identified in the Town Assessor's records as Plat 52, Lot 16, which is owned of-record by Ten LLC, and which is, upon information and belief, presently tenanted by Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE).

In support of its Application, the Town incorporates by reference the Affidavit of Seth W. Moulton, Congressman for the 6<sup>th</sup> Congressional District of Massachusetts for the United States House of Representatives (attached hereto as **Exhibit 1**) and the affidavit of [REDACTED] (attached hereto as **Exhibit 2**). As further explained in the affidavit of Congressman Moulton, conditions were witnessed within the Premises by Congressman Moulton in June of 2025, which are inconsistent with the building, safety and accessibility codes in place in Massachusetts. See Exhibit 1, ¶¶ 4-5. As attested to by Mr. [REDACTED], who was actually confined at the Premises for six (6) days, the holding cells were used to house over twenty (20) men, and showers were not made available. **Exhibit 2, ¶¶ 1, 8-10, 13.** The Town further states, as supported by

Congressman Moulton's Affidavit, that the Premises includes four (4) holding areas which were stated to be for the short-term (no more than a few hours) processing of immigration detainees prior to transfer to other facilities with capacity and resources to house them. **Exhibit 1**, ¶ 6 (see also, **Exhibit 4**, *infra*, at p.1). As reported by both Congressman Moulton in June of 2025, and Mr. ██████████ there were multiple holding cells, none of which had beds or windows, with at least half a dozen persons in each, who were only supplied with mylar-type blankets, and for whom the only shower facilities available consisted of employee restrooms with a toilet and a shower. **Exhibit 1**, ¶¶ 4-5; **Exhibit 2**, ¶¶ 8-10, 13.

These conditions mirror reports relating to other similar facilities. *See, e.g.*, Ben Brasch, *An ICE facility has detainees sleeping on the floor. A judge says no more*, Washington Post, August 13, 2025<sup>1</sup>. (attached as **Exhibit 3**). The Building Inspector for the Town requested an inspection of the Premises from the property owner however; the Tenant has refused to permit access to the Premises. *See* **Exhibit 4**, Correspondence of June 13, 2025; **Exhibit 5**, Correspondence of July 10, 2025; **Exhibit 6**, Affidavit of M. Allan, ¶¶ 10-11; 14. Based on recent reporting of ICE's continued stepped-up arrests, it is likely that the same conditions exist currently and will continue to exist as reported in June of 2025. *See*, Claire Thornton, *'We're not going to back down': Acting Boston ICE director pledges crackdown following Mayor Wu's defiant comments*, Boston Globe, August 21, 2025<sup>2</sup>. (attached as **Exhibit 6**).

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<sup>1</sup> <https://www.washingtonpost.com/nation/2025/08/13/new-york-city-ice-facility-conditions/>

<sup>2</sup> <https://www.bostonglobe.com/2025/08/21/metro/ice-agents-flood-boston/>

Based on Congressman Moulton's observations and Mr. [REDACTED]'s experience, there appear likely violations of the state plumbing code (248 CMR 10.10(14)(Table 1)), which provides that for detention facilities, the required allocation is one (1) shower per 8 males and one (1) shower per 8 females. **Exhibit 6**, at ¶¶ 6.a, 7, 9. Additionally, the Health and Safety Code applicable to detention facilities (105 CMR 451.320) requires a sleeping/living space of 60 square feet of habitable space per inmate in correctional facilities, which is quite apparently not being met. **Exhibit 6**, ¶¶ 6.b, 8, 11.

Ample authority exists for this Honorable Court to permit inspection(s) of the Premises. "The preservation of the health and physical safety of the people is a purpose of prime importance in the exercise of the police power." Commonwealth v. Hudson, 315 Mass. 335, 339-40 (1943). Under the State Sanitary Code, 105 CMR 400.000, *et seq.*, for example: "In order to... properly protect the health and well-being of the people of the Commonwealth... the authorized agent or representative of [the board of health] is authorized to enter, examine or survey at any reasonable time such places as [he or she] consider[s] necessary" and may "seek in a court of competent jurisdiction a search warrant so as to apprise the owner, occupant or other person concerning the nature of the inspection and justification for it..." 105 CMR 400.100; 105 CMR 400.100(C). The law also vests building officials with inspection authority for the protection of the public health and safety. see G.L. c. 143, §§ 3, 3A, 6 and 93; see also 780 CMR, and 527 CMR. Included among them is the right to gain access to any property deemed non-compliant so as to evaluate the same. See, e.g., 780 CMR 104.6.

In this instance, the Town is not seeking to enforce the building codes in any manner inconsistent with Federal law or in conflict with the doctrine of pre-emption.

Rather, as recognized by the Federal Courts which have addressed this type of issue, the Town is exercising its legitimate police powers. See, *United States v. California*, 921 F.3d 865, 885-886 (9<sup>th</sup> Cir. 2019) (*cert. denied*, 141 S.Ct. 124 (2020); *Arizona v. United States*, 567 U.S. 387, 400 (2012) (“courts should assume that ‘the historic police powers of the States’ are not superseded ‘unless that was the clear and manifest purpose of Congress’”). Where there is no intent by the state to actively enforce state or local laws in conflict with Federal law beyond merely inspecting the premises and reporting its conclusions, preemption has been recognized not to be an obstacle to inspection. See, *California*, at 885 (“The law might require some federal action to permit inspections and produce data—a burden that, as discussed above, implicates intergovernmental immunity—but as California persuasively notes, ‘[M]ere collection of such factual data does not (and cannot) disturb any federal arrest or detention decision’”; *Geo Group, Inc. v. Newsom*, 2025 WL 1285728 at \*\* 4-6 (E.D.Cal., May 2, 2025) (dismissing pre-enforcement suit for injunction against inspection on private contractor’s property leased by ICE on the grounds that there was no indication of any future conduct of the Federal actor arguably proscribed by statute or any substantial future threat of enforcement on the part of the inspecting authority).

WHEREFORE, for the above reasons and pursuant to the authority cited herein, the Town requests an administrative search warrant from this Honorable Court permitting an inspection by the Building Department Team, which may include the Inspector of Buildings, and an officer from the Burlington Fire Department to inspect the detention areas of the Premises for documentation purposes. Applicant represents that public safety concerns will be accommodated as a representative of the Fire Department will be

part of the inspection team, and the Burlington Police Department will be notified in advance of the execution of any administrative warrant issued pursuant to this Application.

Respectfully submitted,

Town of Burlington, acting by and through  
its Building Inspector,  
by its attorneys,

Date: September 2, 2025

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# **EXHIBIT 1**

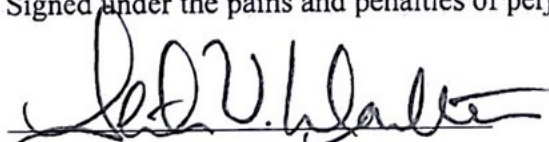
**In re: 1000 District Avenue  
Burlington, Massachusetts  
Petition for Administrative Warrant**

**AFFIDAVIT OF SETH MOULTON**

I, Seth W. Moulton, with first-hand knowledge of the facts set forth herein, hereby swear to the truth of the following:

- 1.) I am currently, and have been since 2015, the duly elected Representative to the United States House of Representatives for the 6<sup>th</sup> Congressional District of Massachusetts.
- 2.) The Town of Burlington, Massachusetts is within the 6<sup>th</sup> Congressional District of Massachusetts.
- 3.) That following the well-publicized arrest by ICE of an 18-year-old Milford honor student and his detention over several days and nights at the property located at 1000 District Avenue, in Burlington, currently leased by a private party to ICE, on June 5, 2025, I was granted access to the facility as part of my Congressional oversight responsibilities:
- 4.) That my observations during the course of my visit to the facility located at 1000 District Avenue in Burlington on June 5, 2025, included the following:
  - a. Multiple holding cells, with at least half a dozen persons in each;
  - b. None of the holding cells had beds;
  - c. Persons in the holding cells had no bedding but for a mylar-type blanket;
  - d. None of the cells had windows or clocks.
- 5.) In discussions with ICE representatives that day, I learned that the only shower facilities available to detainees consist of an employee restroom with a toilet and a shower.
- 6.) It is my understanding as well as my observations and discussions with ICE representatives that this facility was intended only for processing detainees for no more than a few hours, and was not intended, designed or equipped for overnight or long-term detention.
- 7.) Based upon my observations, this facility is generally not appropriate for overnight or long-term detention.
- 8.) Based upon my observations on June 5, 2025, this facility was actively being used for overnight and long-term detention, in conditions that are unsafe and unsanitary.

Signed under the pains and penalties of perjury this 12th day of August, 2025:

  
Seth W. Moulton

## **EXHIBIT 2**

AFFIDAVIT OF [REDACTED]

I, [REDACTED], do hereby swear and affirm:

The following statements are based on my personal experience and knowledge.

1. I was detained at Immigration and Customs Enforcement – Enforcement and Removal Operations Field Office located at 1000 District Avenue, Burlington, Massachusetts from May [REDACTED], 2025 until June [REDACTED] 2025. I am providing this affidavit so share information about my experience in detention and the conditions of detention.
2. On May [REDACTED] 2025, agents of U.S. Immigration and Customs Enforcement (“ICE”) arrested me in my hometown of Milford, Massachusetts. [REDACTED]  
[REDACTED]
3. After they took me into custody, ICE brought me to Connecticut then back to their Field Office located at 1000 District Avenue, Burlington, Massachusetts.
4. I was only allowed, at most, one two-minute phone call per day. There was at least one day when I and other detainees were not given the opportunity to make any calls. The first time I was able to talk with one of my attorneys was June [REDACTED]. The first time I was able to talk to my parents was on the second day I was detained, and that was for 2 minutes.
5. I had a cold when I was detained. I felt like I had a fever, though because there wasn't a thermometer available at the field office I had no way to check. I had a sore throat and was congested. I also was worried I might've had a concussion from [REDACTED]  
[REDACTED] because the vision in my left eye was going black from the top down. I requested medical attention and even Tylenol repeatedly while I was detained. The guards said they didn't have any medication.

6. It was only after my attorneys raised concerns about my health conditions that I was taken to a nearby medical facility [REDACTED]. The ICE agents shackled me when they brought me to the hospital. I was shackled while at the hospital until I got back to the Field Office.
7. The hospital gave me a pillow, blanket, and Tylenol while at the hospital. After I got back from the hospital [REDACTED], I was put into a small room all by myself, away from the other inmates. It was awful being in this room alone. One guard who came by asked me what I had done to get put in the secluded unit, because it was usually used as a form of punishment. I was so lonely and worried about what was happening.
8. There are no beds, cots, mattresses or pillows at the field office. We were only given a mylar sheet to use as a blanket. The lights were on all day and night, so between that and the fact that there was no window to the outside, it was hard to know what time of day it was. I was only able to sleep for a couple of hours each night.
9. At some point early on, female detainees were brought in to share the same space as the men. They later were moved to their own separate cell or room.
10. The room I was in had about 20 other men, sometimes more. They were mostly in their thirties or forties I think. The room was hot and stuffy. Men took turn breathing in air from a crack at the door that went to the hallway. There was one toilet, located in a place that provided no privacy; there weren't walls around it besides a waist-high one, it was just in the same room as the holding cell. There was a camera pointing down from the ceiling towards the toilet.
11. I was not allowed outside during my detention, except for when I was taken to the hospital and when I was ultimately released.

✓ 12. I was not allowed outside during my detention, except for when I was taken to the hospital and when I was ultimately released.

✓ 13. I was never given the opportunity to take a shower while I was detained. As far as I know, none of the other detainees were given an option to shower.

✓ 14. I was only able to brush my teeth twice during the 6 days I was held.

✓ 15. I lost about 7 pounds while I was detained. This was because we were given very little food, totaling less than 1,000 calories a day I think. Much of the food we were given was inedible, including pink chicken. *very right*

✓ 16. The officers generally did not treat us with civility or professionalism. For example, once, a guard opened the door of our cell, and I and the other detainees woke up or perked up, thinking this meant that maybe one of us was getting out. Instead, the officer held the door open for a few seconds, said "Psych!," and then closed the door. When he went back in the hallway I heard him and another guard laughing.

Signed under the pains and penalties of perjury, this 28th day of August 2025,

\_\_\_\_\_  
*X [Signature]*  
\_\_\_\_\_  
\_\_\_\_\_

## **EXHIBIT 3**

## **An ICE facility has detainees sleeping on the floor. A judge says no more.**

A federal judge ordered ICE to let detainees of a Manhattan holding facility speak with their legal counsel after complaints of “inhumane” conditions.

August 13, 2025



By Ben Brasch

The Trump administration must improve conditions at a Lower Manhattan immigration holding facility where a government lawyer acknowledges detainees are sleeping on the floor, a federal judge ruled Tuesday.

Immigration and Customs Enforcement is packing detainees into a holding area without beds, showers or medical support, according to a class-action lawsuit filed by the ACLU on behalf of detainees. For more than a week, people go to sleep each night on a concrete floor next to toilets without medication nor a way to bathe, and they receive “at most only two small meals a day,” attorneys for the detainees wrote.

Conditions in the holding area in a federal building at 26 Federal Plaza became widely known after a video from inside the facility was released last month by the New York Immigration Coalition, an advocacy group. The video showed rooms packed with people sleeping on aluminum blankets on the facility’s floor.

Judge Lewis A. Kaplan of the Southern District of New York ordered Tuesday that holding rooms must have at least 50 square feet per person, be cleaned three times a day and have a clean bedding mat for each detainee.

The lawsuit names ICE, the Department of Homeland Security and four top officials at those agencies as defendants.

“This order and this lawsuit are driven by complete fiction about 26 Federal Plaza,” Homeland Security Assistant Secretary Tricia McLaughlin said Wednesday in an email to The Washington Post. She added, “Any claim of subprime conditions at ICE facilities are categorically false.”

However, attorney Jeffrey S. Oestericher, who represents the government, said during a hearing Tuesday that the lawsuit is correct about sleeping conditions for detainees.

“There is no factual dispute that there are no beds in these holding rooms and that they are not provided with sleeping mats. They are only provided with blankets,” Oestericher said.

Kaplan criticized the government for not letting detainees access confidential legal counsel, according to a transcript of Tuesday’s hearing. He ordered the facility to ensure lawyers have a phone number to call to schedule time with their clients.

Oestericher had argued in the hearing that the move wasn’t necessary because detainees are allowed to make a phone call when they arrive and their stays are short-term. The judge was unmoved, responding: “I think, at least preliminarily, we are going to have to agree to disagree about that.”

Attorney Heather Gregorio, who also represents the detainees, described the facility as having “inhumane and horrifying conditions.” She said the lawsuit includes eight accounts from people who had recently been held there.

The lawsuit says that when an attorney tried to contact Sergio Alberto Barco Mercado — a New Jersey father of two who was taken into custody there Friday after a scheduled court appearance — the attorney “was refused access to his client” when he went to the facility.

“An ICE agent responded that visitations are prohibited for individuals detained at 26 Fed, and that he could not call 26 Fed to set up a call with his client. He subsequently called the number listed on the ICE public website as the telephone to contact ICE at 26 Fed, but was not able to set up an attorney call with his client,” according to the lawsuit.

Mercado also had an infected tooth but didn’t receive required medical attention, his attorneys wrote. They added that a detainee who had survived a stroke did not receive his medication, which led to “dangerously high blood pressure.”

The processing area is composed of four ICE holding rooms that vary in square footage from 173 square feet to 820 square feet, said Nancy Zanello, assistant director of ICE’s New York City Field Office of Enforcement and Removal Operations, according to a court filing. Each room has at least one toilet and sink, and soap is made available to detainees, she said.

The maximum capacity set by the fire marshal for the ICE holding rooms is 154 people, she said, and as of Monday, there were 24 people being held there.

McLaughlin, the DHS spokesperson, said the 26 Federal Plaza facility serves as a processing center to briefly hold detainees before they may be transferred to a proper ICE detention center.

DHS will appeal the order, she said, and “ICE enforcement operations will continue at full speed.”

## What readers are saying

The comments overwhelmingly criticize the conditions at the ICE facility in Lower Manhattan, describing them as inhumane and a violation of basic human rights. Many commenters express gratitude for the judge's order to improve these conditions, emphasizing the importance of... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

# **EXHIBIT 4**



## TOWN OF BURLINGTON

### Building Department

**Mark Dupell**      **Martin Allan**      **Malcolm Farrell**      **Joseph A. Mirabella Sr.**      **Eric Sullivan**  
Inspector of Buildings    Senior Building Inspector    Local Building Inspector    Plumbing & Gas Inspector    Wiring Inspector

June 13, 2025

Ten LLC  
c/o Robert Murray, Manager  
27 Cambridge Street  
Burlington, MA 01803

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Re: 1000 District Avenue (10 New England Executive Park) Burlington, MA. AP 52-16 (PDD Zone)-- Code Violations

Dear Mr. Murray:

This office has been made aware, through a number of credible public reports based on personal observations and experiences, as well as observations made in connection with a recent tour of the above-referenced property by Congressman Seth Moulton, of a number of apparent zoning, health and safety code violations on the property, arising out of the apparent use of the property for the operation of a detention facility, which is not a permitted use in the IG Zoning District. Furthermore, the above-mentioned reports and observations indicate a lack of sufficient bathing and sleeping facilities. While we understand that a prior building official considered the inclusion of four (4) "holding areas" an "accessory" use in 2007, representations were made by you and your tenant that each would comply with all local codes and ordinances, and all provisions of zoning and health and safety codes, and that those "holding areas" would not be used to house arrestees overnight, but merely were to be used for holding pending "processing" and transfer to detention facilities elsewhere.

In addition to the unlawful use of the property as a detention center, the above-referenced reported and observed conditions, if confirmed, at a minimum constitute a threat to the health and safety of occupants of the structure and of the public in violation of the following codes:

- 1.) Town of Burlington Zoning Bylaw, § 4.2.0;
- 2.) 248 CMR (State Plumbing Code);
- 3.) 105 CMR 410.00 (Standards of Fitness for Human Habitation);
- 4.) 105 CMR 451.00 (Correctional Facilities);
- 5.) 521 CMR 15.00 (Detention Facilities);
- 6.) 527 CMR 1.00 (Fire Safety Code);
- 7.) 527 CMR 12.00 (Electrical Code);
- 8.) 780 CMR (State Building Code);





## TOWN OF BURLINGTON

### *Building Department*

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<b>Mark Dupell</b> Inspector of Buildings	<b>Martin Allan</b> Senior Building Inspector	<b>Malcolm Farrell</b> Local Building Inspector	<b>Joseph A. Mirabella Sr.</b> Plumbing & Gas Inspector	<b>Eric Sullivan</b> Wiring Inspector
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Please understand this is not an exhaustive list of codes that may be involved, however the reports and observations would appear to implicate these provisions. In order to address these issues, this office requests an inspection of the premises. Please contact my office within the next three (3) days to arrange for an inspection. Should we not hear from you in that time, we will proceed with all further rights and remedies available to ensure compliance consistent with law.

I appreciate your consideration and look forward to hearing from you.

Sincerely,

Mark Dupell  
Town of Burlington, Massachusetts  
Inspector of Buildings



## **EXHIBIT 5**

U.S. Department of Homeland Security  
1000 District Avenue  
Burlington, MA 01803



U.S. Immigration  
and Customs  
Enforcement

July 10, 2025

Mark Dupell  
Inspector of Buildings  
Town of Burlington  
25 Center Street  
Burlington, MA 01803

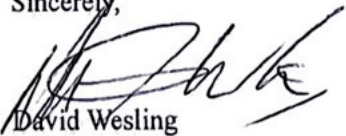
Dear Mr. Dupell:

This letter is in response to your letter dated June 13, 2025, addressed to Ten, LLC regarding 1000 District Avenue, Burlington, MA. As you are aware, U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Boston Field Office is the tenant and occupant of this building. Your letter alleges apparent violations of health and safety, and zoning codes, while citing to unspecified reports and allegations.

In 2007, the ICE ERO Boston Field Office began leasing the 1000 District Avenue building from the owner Ten, LLC. Prior to occupying the building, the Town of Burlington inspected the building for conformance with applicable ordinances and regulations and provided Ten, LLC all necessary permits for ICE ERO to begin occupancy and use of the building for ICE's law enforcement activities. Since 2007, the ICE ERO Boston Field Office has continuously used the building to perform these activities. ICE ERO uses the building's holding cell area to hold and process individuals in ICE custody prior to their release from custody or transfer to a detention facility. There have been no alterations or modifications to the holding cell area of the building subsequent to the town issuing any permits to Ten, LLC for ICE's occupancy. Further, ICE ERO has not changed the manner of its use of the building for law enforcement activity since it began occupancy in 2007.

Since your June 13, 2025, letter does not provide any specific allegations that ICE can respond to, we decline to permit an inspection of the building at this time. The Town of Burlington lacks authority to inspect or oversee ICE's federal law enforcement activity and operations.

If you wish to further address this matter, you may send future correspondence to my attention.

Sincerely,  
  
David Wesling  
Acting Field Office Director

Cc: Ten, LLC  
27 Cambridge Street  
Burlington, MA 01803

# **EXHIBIT 6**

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX , ss.

DISTRICT COURT DEPT.

In re: 1000 District Avenue :  
Burlington, Massachusetts :

AFFIDAVIT OF MARTIN ALLAN

I, Martin Allan, with first-hand knowledge of the facts set forth herein, hereby swear to the truth of the following:

- 1.) That I am the current building inspector for the Town of Burlington Massachusetts.
- 2.) That I have been employed by the Town of Burlington Building Department for \_\_\_ years.
- 3.) That according to my review of the publicly available plans, the size of the holding rooms in the holding area of the facility located at 1000 District Avenue are approximately 308 square feet.
- 4.) That according to my review of the publicly available plans, there appears to be one (1) shower in the holding area.
- 5.) That I am aware of an affidavit executed by Congressman Seth Moulton based upon his tour of the facility located at 1000 District Avenue, in Burlington, Massachusetts.
- 6.) That based upon the observations as reported in Paragraphs 4 and 5 of Congressman Moulton's affidavit, the following issues, at a minimum, are not in code compliance:
  - a. 248 CMR 10.10(14)(Table 1) (Plumbing Code), which provides that for detention facilities, the required allocation is one (1) shower per 8 males and one (1) shower per 8 females;
  - b. 105 CMR 451.320, (Health and Sanitation Code) which requires a sleeping/living space of 60 square feet of habitable space per inmate in correctional facilities.
- 7.) The existence of one shower for all detainees, regardless of number, does not comply with 248 CMR 10.10(14)(Table 1);
- 8.) The number of persons documented by Congressman Moulton of 6 or more persons per holding room does not comply with 105 CMR 451.320;
- 9.) Even if there were two showers, one for each gender, based upon the reports in Congressman Moulton's affidavit, that would still be noncompliant 248 CMR 10.10(14) as the ratio of detainees to showers is exceeded.
- 10.) That I am aware of the affidavit of [REDACTED] based on his confinement at the facility located at 1000 District Avenue.
- 11.) That based upon the experiences reported by Mr. [REDACTED] in Paragraphs 8 and 10 of his affidavit, the facility is not in compliance with 105 CMR 451.320.
- 12.) The Building Department has previously attempted to gain access to the facility located at 1000 District Avenue, Burlington, Massachusetts by correspondence dated June 13, 2025, a copy of which is appended hereto as **Exhibit 6-1**.

- 13.) The Building Department was denied access to the facility by correspondence dated July 10, 2025, from ICE's Acting Field Office Director, a copy of which is appended hereto as **Exhibit 6-2**.
- 14.) That the Town of Burlington wishes to conduct an inspection of the facility located at 1000 District Avenue in Burlington for the sole purpose of documentation and reporting, and not for the purposes of compelling compliance or issuance of violation notices.
- 15.) That based upon the representations in Congressman Moulton's affidavit, and my review of the available plans it is my opinion that the conditions in the holding area of the facility located at 1000 District Avenue as reported in Congressman Moulton's affidavit constitute violations of the Massachusetts Plumbing and Health and Safety Codes, at a minimum.
- 16.) The permission to access the facility has been sought from the owner of the facility, however the tenant of the facility located at 1000 District Avenue has refused to permit access for the purposes of inspection, and an administrative warrant is required to gain access to the facility.
- 17.) Should an administrative warrant issue, the Town will ensure public safety is accounted for as follows:
  - a. Fire official(s) will be present as part of the inspection team;
  - b. Police will be contacted notified of the execution of the warrant in advance.

Sworn under the pains and penalties of perjury,

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Martin Alan, Building Inspector, Town of  
Burlington, Massachusetts

# **EXHIBIT 6-1**



## TOWN OF BURLINGTON

### *Building Department*

**Mark Dupell**  
Inspector of Buildings

**Martin Allan**  
Senior Building Inspector

**Malcolm Farrell**  
Local Building Inspector

**Joseph A. Mirabella Sr.**  
Plumbing & Gas Inspector

**Eric Sullivan**  
Wiring Inspector

June 13, 2025

Ten LLC  
c/o Robert Murray, Manager  
27 Cambridge Street  
Burlington, MA 01803

#### ***VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***

*Re: 1000 District Avenue (10 New England Executive Park) Burlington, MA. AP 52-16 (PDD Zone)-- Code Violations*

Dear Mr. Murray:

This office has been made aware, through a number of credible public reports based on personal observations and experiences, as well as observations made in connection with a recent tour of the above-referenced property by Congressman Seth Moulton, of a number of apparent zoning, health and safety code violations on the property, arising out of the apparent use of the property for the operation of a detention facility, which is not a permitted use in the IG Zoning District. Furthermore, the above-mentioned reports and observations indicate a lack of sufficient bathing and sleeping facilities. While we understand that a prior building official considered the inclusion of four (4) "holding areas" an "accessory" use in 2007, representations were made by you and your tenant that each would comply with all local codes and ordinances, and all provisions of zoning and health and safety codes, and that those "holding areas" would not be used to house arrestees overnight, but merely were to be used for holding pending "processing" and transfer to detention facilities elsewhere.

In addition to the unlawful use of the property as a detention center, the above-referenced reported and observed conditions, if confirmed, at a minimum constitute a threat to the health and safety of occupants of the structure and of the public in violation of the following codes:

- 1.) Town of Burlington Zoning Bylaw, § 4.2.0;
- 2.) 248 CMR (State Plumbing Code);
- 3.) 105 CMR 410.00 (Standards of Fitness for Human Habitation);
- 4.) 105 CMR 451.00 (Correctional Facilities);
- 5.) 521 CMR 15.00 (Detention Facilities);
- 6.) 527 CMR 1.00 (Fire Safety Code);
- 7.) 527 CMR 12.00 (Electrical Code);
- 8.) 780 CMR (State Building Code);





## TOWN OF BURLINGTON

### *Building Department*

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<b>Mark Dupell</b> Inspector of Buildings	<b>Martin Allan</b> Senior Building Inspector	<b>Malcolm Farrell</b> Local Building Inspector	<b>Joseph A. Mirabella Sr.</b> Plumbing & Gas Inspector	<b>Eric Sullivan</b> Wiring Inspector
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Please understand this is not an exhaustive list of codes that may be involved, however the reports and observations would appear to implicate these provisions. In order to address these issues, this office requests an inspection of the premises. Please contact my office within the next three (3) days to arrange for an inspection. Should we not hear from you in that time, we will proceed with all further rights and remedies available to ensure compliance consistent with law.

I appreciate your consideration and look forward to hearing from you.

Sincerely,

Mark Dupell  
Town of Burlington, Massachusetts  
Inspector of Buildings



## **EXHIBIT 6-2**

U.S. Department of Homeland Security  
1000 District Avenue  
Burlington, MA 01803



U.S. Immigration  
and Customs  
Enforcement

July 10, 2025

Mark Dupell  
Inspector of Buildings  
Town of Burlington  
25 Center Street  
Burlington, MA 01803

Dear Mr. Dupell:

This letter is in response to your letter dated June 13, 2025, addressed to Ten, LLC regarding 1000 District Avenue, Burlington, MA. As you are aware, U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Boston Field Office is the tenant and occupant of this building. Your letter alleges apparent violations of health and safety, and zoning codes, while citing to unspecified reports and allegations.

In 2007, the ICE ERO Boston Field Office began leasing the 1000 District Avenue building from the owner Ten, LLC. Prior to occupying the building, the Town of Burlington inspected the building for conformance with applicable ordinances and regulations and provided Ten, LLC all necessary permits for ICE ERO to begin occupancy and use of the building for ICE's law enforcement activities. Since 2007, the ICE ERO Boston Field Office has continuously used the building to perform these activities. ICE ERO uses the building's holding cell area to hold and process individuals in ICE custody prior to their release from custody or transfer to a detention facility. There have been no alterations or modifications to the holding cell area of the building subsequent to the town issuing any permits to Ten, LLC for ICE's occupancy. Further, ICE ERO has not changed the manner of its use of the building for law enforcement activity since it began occupancy in 2007.

Since your June 13, 2025, letter does not provide any specific allegations that ICE can respond to, we decline to permit an inspection of the building at this time. The Town of Burlington lacks authority to inspect or oversee ICE's federal law enforcement activity and operations.

If you wish to further address this matter, you may send future correspondence to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "David Wesling".

David Wesling  
Acting Field Office Director

Cc: Ten, LLC  
27 Cambridge Street  
Burlington, MA 01803

# **EXHIBIT 7**

# ‘We’re not going to back down’: Acting Boston ICE director pledges crackdown following Mayor Wu’s defiant comments

By Claire Thornton Globe Staff, Updated August 21, 2025, 12:37 p.m.



Mayor Michelle Wu spoke during a press conference detailing Boston's response to US Attorney General Pam Bondi's demand for the city to cooperate with mass deportations on Aug. 19. LANE TURNER/GLOBE STAFF

The acting director of Boston’s ICE field office said in a [FOX News interview](#) on Wednesday that her agents will not be deterred by city policies that limit cooperation with federal immigration enforcement.

8/22/25, 10:14 AM

“We’re not going to stop, we’re not going to back down, we’re going to be there every time,” Patricia H. Hyde told Fox anchor Dana Perino.

Hyde slammed Mayor Michelle Wu’s so-called sanctuary city policies, contending that Boston releases “criminals” onto its streets instead of handing them over to Immigration and Customs Enforcement agents.

“Unlike Mayor Wu, I was born and raised in Massachusetts, I grew up in Boston, and I know what a safe Boston looks like, and this isn’t it,” Hyde said.

The interview came one day after Wu passionately defended Boston’s immigrant-friendly public safety policies, and vowed the city will not yield to pressure from the Trump administration to reverse course.

“Stop attacking our cities to hide your administration’s failures,” Wu said, eliciting cheers from a crowd of supporters gathered on City Hall Plaza. “Unlike the Trump administration, Boston follows the law, and Boston will not back down from who we are and what we stand for.”

Tuesday was Wu’s deadline to respond to a demand from US Attorney General Pam Bondi that Boston end an ordinance known as the Trust Act. Supporters of Wu’s policy have argued it allows immigrants in the country illegally to interact with police departments without fear of deportation.

The mayor told reporters Tuesday her office would not comply with Bondi’s request.

The city ordinance, which complies with a 2017 Supreme Judicial Court ruling, prohibits police from engaging in deportation efforts, which are a federal and civil matter. Police regularly work with ICE and other federal agents on criminal cases, city officials have said.

“While you deploy military personnel to occupy American streets, we are building community safety,” Wu said. “Our police don’t have to hide their faces. Boston police do

not hide their faces because they are members of our community.”

Also this week, acting ICE Director Todd Lyons said in a radio interview that his agency will “flood” Boston in response to Wu’s defiance of the Trump administration’s immigration enforcement strategy.

“You’re going to see more ICE agents come to Boston to make sure that we take these public threats out that she wants to let go back in the communities,” Lyons said on the “Howie Carr Show.”

Lyons, the former director of the Boston field office, said ICE will take aggressive action in Boston and other cities that limit their cooperation with immigration enforcement.

“We’re definitely going to ... flood the zone, especially in sanctuary jurisdictions,” Lyons said. “Boston and Massachusetts decided to say that they wanted to stay sanctuary. Sanctuary does not mean safer streets. It means more criminal aliens out and about the neighborhood. But 100 percent, you will see a larger ICE presence.”

Speaking to the press on Thursday morning, Wu responded to Lyons’s comments, saying the entire city benefits when everyone feels free to request police assistance, and provide investigators with information regarding crimes.

“In Boston, we follow and comply with all of the laws — city, state, and federal,” Wu said. “Every day, we are out in our community, working to ensure everyone can reach out to emergency services when they need help.”

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