

Inside Out — June 1, 2026: Supreme Court Narrows Compassionate Release; OIG Reports on FSA Funding and USP Canaan; BOP Expands Release ID Program

This issue covers a Supreme Court decision issued May 28 that limits how district courts may consider First Step Act sentencing changes when ruling on compassionate-release motions under 18 U.S.C. § 3582(c)(1)(A). The ruling reshapes the legal landscape for incarcerated people seeking sentence reductions and for the attorneys and families supporting those motions. We walk through what changed, what did not change, and what practical steps remain available.

The Department of Justice Office of the Inspector General (OIG) released two reports within the window: one on the Bureau of Prisons' (BOP) use of First Step Act (FSA) funding and program implementation, and one finding deficiencies in lockdowns, healthcare, and use of restraints at USP Canaan, a high-security federal penitentiary in Waymart, Pennsylvania. A separate OIG finding addresses BOP employees' misuse of law-enforcement credentials. We summarize each and explain the channels available to people affected by the conditions described.

Also inside: BOP's announcement of expanded access to federal release identification cards, a strategic-expansion notice on minimum-security camp utilization, two in-custody deaths reported in late May (FCI Edgefield and USP Hazelton), a walkaway from FCI Jesup's satellite camp, and summer-visitation logistics tied to Juneteenth on June 19. Readers needing direct assistance can reach help@drprison.org.

THIS WEEK'S LEAD

Supreme Court Holds That First Step Act Sentencing Changes Cannot, Standing Alone, Justify Compassionate Release

Theme: scotus / compassionate release / 3582

On May 28, 2026, the Supreme Court ruled that the non-retroactive sentencing changes Congress enacted in the First Step Act of 2018 (FSA) cannot, by themselves, constitute "extraordinary and compelling reasons" supporting a sentence reduction under 18 U.S.C. § 3582(c)(1)(A) — the statute commonly called

compassionate release. The Court's holding resolves a long-running circuit split on whether a defendant sentenced before the FSA's changes to stacked § 924(c) firearm penalties and certain drug enhancements could rely on the gap between an old sentence and what would be imposed today as the basis for early release.

To unpack the terminology: 18 U.S.C. § 3582(c)(1)(A) allows a federal sentencing court to reduce a sentence when "extraordinary and compelling reasons warrant such a reduction," after the defendant has either exhausted administrative remedies inside BOP or waited 30 days from the warden's receipt of a request. The U.S. Sentencing Commission's policy statement at U.S.S.G. § 1B1.13 lists categories the Commission considers extraordinary and compelling — medical condition, age, family circumstances, abuse in custody, and "other reasons" — and in 2023 amended § 1B1.13(b)(6) to include certain unusually long sentences affected by non-retroactive law changes. The Supreme Court's May 28 ruling addresses how that framework interacts with FSA changes that Congress chose not to make retroactive.

Justice Ketanji Brown Jackson filed a solo dissent. The practical effect for defendants is that motions premised solely on the difference between a pre-FSA sentence and a current-law sentence are now foreclosed; motions premised on medical, age, family, or combined circumstances continue to be available, and the Sentencing Commission's broader policy statement remains in place except where it conflicts with the Court's holding.

UNDERSTANDING THIS STORY

DURING INCARCERATION

If you have a pending or planned compassionate-release motion

If you already filed a § 3582(c)(1)(A) motion that relies in any part on FSA non-retroactivity, the motion is not automatically denied — but the portion of the argument resting solely on the sentencing-disparity theory is now unavailable. Work with counsel to identify and document the other extraordinary-and-compelling grounds in your case: serious or terminal medical conditions, advancing age combined with reduced physical or mental health, the death or incapacitation of the only available caregiver for a minor child or incapacitated spouse, sexual abuse in custody, or a combination of circumstances under § 1B1.13(b)(5).

If you have not yet filed, begin with the BOP administrative request. Submit a written request to your Warden under 28 C.F.R. § 571.61 stating the specific extraordinary and compelling reasons. After 30 days — whether the Warden has responded or not — the exhaustion requirement is satisfied and you (or counsel) may move the sentencing court directly. Keep copies of every submission and every response.

FAMILY, FRIENDS & ADVOCATES

Helping a loved one assemble a viable motion

Families are often the practical engine behind compassionate-release filings. With the FSA-disparity theory off the table, the evidence that matters most is medical and circumstantial. Request your loved one's BOP medical records through their unit team or via a signed authorization (BP-A0407 release of information), gather outside physician records and prognoses, and document changes in the home-care situation that affect family-circumstance grounds.

If you are coordinating with a retained or appointed attorney, share specific dates, names of treating clinicians, and concrete descriptions of functional decline. Federal Defender offices in many districts have compassionate-release units and accept referrals even for people who had retained counsel at trial.

ATTORNEYS & PRISON OFFICIALS

Drafting after May 28

Motions filed after the ruling should separate the threshold extraordinary-and-compelling analysis from the 18 U.S.C. § 3553(a) balancing. The Sentencing Commission's policy statement at U.S.S.G. § 1B1.13(b)(1)–(5) remains operative; subsection (b)(6), addressing unusually long sentences affected by non-retroactive changes, is the provision most directly affected. Preserve the issue where relevant — particularly the question whether combined factors that include a sentencing disparity, but are not solely premised on it, remain cognizable.

District courts retain broad discretion under § 3553(a) once an extraordinary-and-compelling reason is established. Continue to develop the record on rehabilitation under 28 U.S.C. § 994(t) (which by statute may not alone constitute an extraordinary and compelling reason but is relevant to the § 3553(a) analysis), institutional programming completed, disciplinary history, and release plans.

BEFORE INCARCERATION

If you are pre-sentence and considering future relief

For defendants pre-sentence, the ruling underscores that the right time to address sentence length is at sentencing — through plea negotiation, sentencing-memorandum arguments, and any applicable departures or variances under 18 U.S.C. § 3553(a). Post-sentencing avenues are narrower than they were two weeks ago.

Ask counsel to address First Step Act safety-valve eligibility under 18 U.S.C. § 3553(f), any applicable amendments to the U.S. Sentencing Guidelines, and zero-point-offender adjustments under U.S.S.G. § 4C1.1 where eligible. Build any cooperation-related motions and § 5K1.1 considerations into the sentencing posture rather than relying on later compassionate-release theory.

POLICY & REGULATORY REFERENCES

The governing statute, 18 U.S.C. § 3582(c)(1)(A), authorizes sentence reduction upon a court finding that extraordinary and compelling reasons warrant it and that the reduction is consistent with applicable U.S. Sentencing Commission policy statements. The Sentencing Commission's policy statement, U.S.S.G. § 1B1.13, defines the categories of qualifying reasons; subsection (b)(6) on "unusually long sentences" affected by non-retroactive changes is the subsection most directly

implicated by the May 28 decision. BOP's internal process for warden-level review is set out in 28 C.F.R. §§ 571.60–571.64 and Program Statement 5050.50 (Compassionate Release/Reduction in Sentence). The 30-day exhaustion clock runs from the Warden's receipt of the inmate's written request, not from any later denial. The Supreme Court's holding does not displace medical, age, family-circumstance, or abuse-in-custody grounds, nor does it limit a sentencing court's ultimate § 3553(a) discretion once a qualifying ground is established. 28 U.S.C. § 994(t) continues to provide that rehabilitation alone is not an extraordinary and compelling reason but is properly considered in the § 3553(a) weighing.

ACTION ITEMS THIS WEEK

- Pull your or your loved one's most recent BOP medical records and any outside-specialist records; request the BP-A0407 release-of-information form from the unit team if needed.
- If filing fresh, submit a written compassionate-release request to the Warden citing 28 C.F.R. § 571.61 and listing each extraordinary and compelling ground separately; keep a dated copy.
- Calendar the 30-day exhaustion date. After 30 days from the Warden's receipt, counsel may file directly in the sentencing court.
- Review any pending motion with counsel to separate FSA-disparity theories from medical, age, family-circumstance, abuse-in-custody, or combined grounds under U.S.S.G. § 1B1.13(b)(1)–(5).
- Contact the Federal Defender's office in the district of conviction to ask whether their compassionate-release unit accepts referrals; many do, regardless of original counsel.
- Document a concrete release plan — housing, medical follow-up, employment or family support — and attach it to the motion; § 3553(a) factors weigh release-plan viability heavily.

SOURCES

Justices Limit First Step Act's Compassionate Release Expansion — *Bloomberg Law News*

US Supreme Court rejects prison sentence reductions under reform law — *Reuters*

Justices Say First Step Act Can't Inform Early Releases — *Law360*

High Court Drastically Limits Compassionate Release, Advocates Say — *Davis Vanguard*

Ketanji Brown Jackson Stands Firm—and Alone—on Compassionate Release — *Slate*

Durbin Statement on Supreme Court Weakening Landmark Criminal Justice Reform Law — *HomeTown Register*

DEEP DIVE 2

Inspector General Issues Reports on First Step Act Implementation and USP Canaan Conditions

Theme: oig / fsa / programming

The Department of Justice Office of the Inspector General (OIG) — the internal watchdog that audits BOP operations — released two reports during the window. The first examines BOP's use of First Step Act funding and the implementation of FSA programs, including the Evidence-Based Recidivism Reduction

(EBRR) programs and Productive Activities (PAs) that determine whether eligible incarcerated people earn FSA Time Credits. The second, issued earlier in the window, addresses conditions at USP Canaan, a high-security United States Penitentiary in Waymart, Pennsylvania, with findings on extended lockdowns, healthcare delivery, and use of restraints.

FSA Time Credits (also called Earned Time Credits, or ETCs) allow eligible inmates to earn 10 to 15 days of credit per 30 days of successful programming, applicable toward prerelease custody (such as residential reentry centers or home confinement) or, for some, supervised release. Eligibility is governed by 18 U.S.C. § 3632(d)(4) and the BOP's implementing regulations at 28 C.F.R. Part 523, Subpart D. PATTERN — the Prisoner Assessment Tool Targeting Estimated Risk and Needs — is the risk-assessment instrument that determines an inmate's risk level (minimum, low, medium, or high) and gates access to certain FSA benefits.

The OIG's funding and implementation findings affect how families and attorneys should approach questions of program access, recidivism-reduction needs assignments, and disputes over earned-time-credit calculations. The USP Canaan findings — addressing lockdowns, medical care, and restraints — bear directly on administrative-remedy filings, compassionate-release medical-condition arguments, and § 1983/Bivens-related civil rights questions where applicable.

UNDERSTANDING THIS STORY

DURING INCARCERATION

Checking your FSA Time Credit calculation

Each eligible inmate should have an Individualized Needs Assessment that drives programming assignments, and a regularly updated FSA Time Credit Assessment showing earned credits to date. Request the most recent printout from your unit team. Compare programming you have actually completed against credits awarded. Common discrepancies include programs not coded as EBRR or PA in BOP's system, periods spent in transit or in the Special Housing Unit (SHU) where credit accrual pauses, and PATTERN reassessments that move you between risk levels.

If the calculation looks wrong, ask the unit team in writing to identify the specific basis for each missing credit period. If the unit team's response does not resolve the issue, file an Administrative Remedy starting with the BP-8 (informal resolution), then BP-9 (Warden), BP-10 (Regional), and BP-11 (Central Office) as needed under 28 C.F.R. §§ 542.13–542.15.

FAMILY, FRIENDS & ADVOCATES

Programming access from the outside

Family members cannot directly file administrative remedies, but they can document patterns. If a loved one is on a waitlist for a program required by their needs assessment — particularly RDAP (Residential Drug Abuse Program), education programs leading to a high school equivalency, or vocational training — keep dated records of when waitlist status was first reported and what the unit team said about expected enrollment.

Where a facility-wide lockdown is suspending programming, that documentation matters both for an eventual ETC dispute and for compassionate-release submissions that rely on medical care being effectively unavailable. Maintain a simple log: date, what your loved one said, any documents they sent out.

ATTORNEYS & PRISON OFFICIALS

Using the OIG findings in pleadings

The OIG reports are public-record findings of the Department's own Inspector General and are routinely citable. In compassionate-release motions alleging deficient medical care, OIG findings on healthcare delivery at the specific institution support the factual record. In administrative-remedy appeals contesting denial of FSA credits, OIG implementation findings can establish that systemic implementation issues exist and that the inmate's experience is not anomalous.

For counsel handling cases at USP Canaan or institutions with comparable OIG findings, preserve the OIG report in the record, identify the specific subfindings that match the client's circumstances, and tie each to the regulatory or constitutional standard being invoked.

BEFORE INCARCERATION

Designation planning around programming

If your sentencing memorandum or post-sentencing designation request asks BOP to recommend a particular facility, factor in programming availability. RDAP availability varies by institution. Mental health care designations (Care Level 3 and Care Level 4) are concentrated at specific facilities. Vocational programs and UNICOR (Federal Prison Industries) opportunities are not evenly distributed.

Counsel can submit a designation letter to the Designation and Sentence Computation Center (DSCC) in Grand Prairie, Texas, identifying programming needs and any medical-care-level requirements. The DSCC is not bound to honor the request, but documenting the need creates a record that supports later transfer requests under BOP Program Statement 5100.08.

POLICY & REGULATORY REFERENCES

FSA Time Credits are authorized by 18 U.S.C. § 3632(d)(4); implementing rules are at 28 C.F.R. §§ 523.40–523.44. Application of credits toward prerelease custody is governed by 18 U.S.C. § 3624(g) and BOP Program Statement 5410.01. The Administrative Remedy Program is at 28 C.F.R. §§ 542.10–542.19, with the four-step BP-8 / BP-9 / BP-10 / BP-11 sequence; statutory and regulatory response times — generally 20 calendar days at the institution level with one possible 20-day extension, 30 days at the regional level with one possible 30-day extension, and 40 days at the Central Office level with one possible 20-day extension — are set in § 542.18. Designation procedures

are in BOP Program Statement 5100.08 (Inmate Security Designation and Custody Classification). RDAP is governed by 18 U.S.C. § 3621(e) and Program Statement 5330.11; successful completion can result in up to a 12-month sentence reduction for eligible non-violent offenders. The OIG's authority to audit BOP operations derives from the Inspector General Act of 1978, as amended.

ACTION ITEMS THIS WEEK

- Request a current FSA Time Credit printout from your unit team and compare it line-by-line against programs completed.
- If credits are missing or miscalculated, begin the administrative-remedy process with a BP-8 informal-resolution request to the unit team; preserve all dated copies.
- For RDAP-eligible inmates, ask the unit team in writing for the current RDAP waitlist position and expected enrollment date; document any answer received.
- Counsel handling cases at institutions named in OIG reports should obtain the full report from the OIG website and identify subfindings relevant to the client's facts.
- Families should maintain a simple dated log of programming, medical, and lockdown reports relayed by their loved one; this record supports later remedies.
- For designation or redesignation requests tied to programming needs, send a written submission to the DSCC in Grand Prairie, TX, identifying the program and the regulatory basis.

SOURCES

Report on BOP's Use of First Step Act Funding and the Implementation of FSA Programs — *DOJ Office of the Inspector General*

USP Canaan Is Not the Promised Land, Inspector General Finds — Update for May 26, 2026 — *LISA Newsletter (Legal Information Services Associates)*

DEEP DIVE 3

BOP Announces Release ID Card Expansion and Minimum-Security Camp Utilization Plan

Theme: reentry / release id / camp expansion

BOP announced two operational initiatives during the window. The first expands access to federal release identification cards — government-issued ID provided to people leaving federal custody, intended to address the practical barrier that many releasees face when they lack a current state ID for employment, housing, banking, and benefits applications. The second is described by BOP as a strategic expansion of minimum-security camp utilization, which affects how the agency assigns eligible inmates to satellite camps and standalone Federal Prison Camps (FPCs).

Federal Prison Camps are the lowest custody level in the federal system and house inmates designated as minimum security under BOP Program Statement 5100.08. Camps generally have no perimeter fencing, dormitory housing, and broader work-detail options. Designation to a camp depends on Public Safety Factors (PSFs), Management Variables, security-point scoring, and sentence length, among other factors.

A separate development relevant to camp operations: BOP confirmed a walkaway from FCI Jesup's satellite camp in Georgia on May 26, with local news reporting the inmate was discovered missing during a count. "Walkaway" describes an escape from a non-secure facility (typically a camp) where no force is used; it is treated as an escape under 18 U.S.C. § 751 and carries serious sentencing consequences, including disqualification from future camp placement for any reincarcerated person.

UNDERSTANDING THIS STORY

AFTER RELEASE / REENTRY

Getting a federal release ID

If you are within several months of release, ask your unit team and your case manager whether your institution is participating in the expanded release-ID program and what documents are required. The card is intended to serve as a bridge ID until you obtain a state driver's license or non-driver state ID after release.

Independently, begin assembling the source documents that state DMVs typically require: a certified birth certificate (request from the state of birth's vital records office), a Social Security card (request a replacement online at ssa.gov or via Form SS-5 if needed), and proof of address at your release destination (the residential reentry center or home-confinement address generally suffices). Many states have programs allowing pre-release applications; ask your case manager about the state you will be released to.

BEFORE INCARCERATION

Camp designation and the walkaway calculus

If you are pre-sentence or pre-self-surrender and your security scoring points to minimum custody, the BOP's camp-utilization announcement may widen the geographic range of plausible placements. Counsel can submit a designation letter to the DSCC identifying preferred regions, family-proximity considerations under BOP Program Statement 5100.08, and any medical or programming needs.

The Jesup walkaway is a reminder that escape charges under 18 U.S.C. § 751 are filed in walkaway cases and that conviction permanently affects custody classification. A walkaway adds a Public Safety Factor ("Prior Escape") that under Program Statement 5100.08 effectively bars future camp placement and can affect security level for the remainder of any federal sentence.

FAMILY, FRIENDS & ADVOCATES

Supporting a release without state ID in hand

Many releasees arrive at a residential reentry center (RRC, also called a halfway house) or home confinement without a current state ID. The federal release ID program is intended to ease this, but transitions are uneven. Families can help by: (1) gathering certified birth certificates and Social Security card replacements before the release date, (2) confirming the state of release's DMV requirements, and (3) identifying local Legal Aid or reentry-services organizations that assist with ID acquisition.

For employment and housing, ask the RRC case manager what bridge documentation employers and landlords in the area typically accept. Some employers will accept the federal release ID together with a Social Security card; others will not.

POLICY & REGULATORY REFERENCES

Custody classification and designation are governed by BOP Program Statement 5100.08 (Inmate Security Designation and Custody Classification). Public Safety Factors, including "Prior Escape," are addressed in that Program Statement and effectively cap the lowest custody level available to an inmate carrying the factor. Escape from federal custody, including walkaway from a camp or unsecured facility, is criminalized at 18 U.S.C. § 751 and is a separate federal offense. Pre-release custody — RRC and home confinement placement — is governed by 18 U.S.C. § 3624(c) and the Second Chance Act, as expanded by FSA Time Credits under 18 U.S.C. § 3624(g). BOP's pre-release planning, including identification and Social Security documentation, is addressed in Program Statement 7331.04 and related release-preparation guidance.

ACTION ITEMS THIS WEEK

- Ask your unit team whether your institution is participating in the expanded federal release ID program and what documentation you need to submit.
- Request a certified copy of your birth certificate from the state of birth's vital records office; many states allow incarcerated requesters with notarized forms.
- Confirm with case management that your Social Security number is on file and request an SS-5 replacement Social Security card if needed.
- If you are seeking camp designation, ask counsel to submit a designation memorandum to the DSCC in Grand Prairie, TX, with documentation of family ties, programming needs, and any medical care level requirements.
- If you are already at a camp, review and follow all count and accountability rules; a walkaway charge under 18 U.S.C. § 751 permanently affects future custody classification.
- Families should compile a release-day folder before release date with birth certificate, SSA card, prior state-ID copies, and the RRC or home address.

SOURCES

Expanding Access to Federal Release ID Cards — *Federal Bureau of Prisons*

Strategic Expansion of Minimum-Security Camp Utilization — *Federal Bureau of Prisons*

Systemic Issues Inside Out Is Watching

Patterns the publication is tracking this week from source material and court filings. Each entry includes factual description of the pattern and concrete guidance for readers affected by it.

Sources of out-of-custody guidance on FSA programs vary in accuracy

PATTERN

Coverage in the window highlights the recurring problem of inaccurate information circulating about First Step Act eligibility, RDAP qualification, and FSA Time Credit application. LISA's June 1 update specifically addresses misinformation about RDAP requirements being circulated by individuals marketing themselves as prison consultants. The OIG's FSA implementation report, released the same week, documents that even BOP staff training and program coding have lagged in areas relevant to credit calculation. The two together describe a field where both the source of authority (BOP) and outside informational channels produce inconsistent answers to common questions about eligibility, programming, and credit application.

WHAT FAMILIES AND DEFENDANTS CAN DO

Anchor decisions to primary sources. The statute (18 U.S.C. § 3621(e) for RDAP; 18 U.S.C. § 3632(d)(4) and 28 C.F.R. Part 523 Subpart D for FSA Time Credits) and the BOP Program Statements (5330.11 for RDAP; 5410.01 for FSA Time Credits) are the controlling references. When an outside consultant, peer, or even a staff member gives information that conflicts with the statute or Program Statement, ask in writing for the basis and document the answer. For RDAP eligibility specifically, the diagnostic interview and verifiable documentation of substance use in the 12 months before arrest are required — not promises. For credit disputes, the four-step administrative remedy process under 28 C.F.R. §§ 542.13–542.15 (BP-8/9/10/11) remains the authoritative channel.

SOURCES

Hopemonger Peddles RDAP Misinformation — Update for June 1, 2026 — *LISA Newsletter (Legal Information Services Associates)*

Report on BOP's Use of First Step Act Funding and the Implementation of FSA Programs — *DOJ Office of the Inspector General*

Multiple in-custody deaths reported in a single week

PATTERN

BOP issued two in-custody death notifications dated May 26, 2026 — one at FCI Edgefield, a medium-security federal correctional institution in South Carolina, and one at USP Hazelton, a high-security penitentiary in West Virginia. BOP's standard practice is to issue a short press release confirming a death and to refer further detail to the FBI, the OIG, and the local medical examiner depending on jurisdiction. Cause of death is not stated in the initial press release.

WHAT FAMILIES AND DEFENDANTS CAN DO

Families seeking information about a death in BOP custody can request the autopsy report from the local medical examiner (jurisdiction depends on facility location), and can submit a Freedom of Information Act (FOIA) request to BOP and to the OIG for incident reports and investigative records. FOIA submissions can be made online via the DOJ FOIA portal at foia.gov. For families considering wrongful-death claims, the Federal Tort Claims Act (FTCA) requires presentation of an administrative claim to BOP using Standard Form 95 within two years of the death; consult counsel before filing. Where the deceased had a pending compassionate-release motion or administrative remedy, those filings and any related medical records remain relevant to the family's understanding of events and should be requested through counsel or via FOIA.

SOURCES

Death at FCI Edgefield — *Federal Bureau of Prisons*

Death at USP Hazelton — *Federal Bureau of Prisons*

Oversight findings on BOP staff credentialing

PATTERN

The OIG reported during the window that a number of BOP employees who hold law-enforcement credentials have used those credentials in ways outside the scope of their official duties, including in some cases to obtain firearms for personal use. The report addresses both the population of staff with credentials and the controls around credential use. The findings are operational and personnel-focused; they do not change inmate-facing regulations.

WHAT FAMILIES AND DEFENDANTS CAN DO

For incarcerated people and their families, the practical relevance is limited but real: staff misconduct allegations follow specific reporting channels. Inmates who witness or experience staff misconduct can report through the institution's Special Investigative Services (SIS), through the BOP's Office of Internal Affairs, or directly to the OIG via the OIG hotline (oig.justice.gov). Reports under the Prison Rape Elimination Act (PREA) follow separate procedures under 28 C.F.R. Part 115. Families with concerns can also submit complaints to the OIG; identifying the institution, dates, and any staff members by name (where known) improves the report's utility.

SOURCES

Bureau of Prisons Employees Used Badges to Improperly Obtain Firearms for Personal Use, Watchdog Finds — *ASIS*
IG: Too Many BoP Employees Have Law Enforcement Credentials, and Some Misuse Them — *FEDweek*

Sentencing & Courts

Eighth Circuit holds that Erlinger does not render 21 U.S.C. § 851 unconstitutional

LISA Newsletter (Legal Information Services Associates) · 2026-05-22

21 U.S.C. § 851 is the procedure prosecutors must follow to seek enhanced drug sentences based on prior convictions. The Supreme Court's 2024 decision in *Erlinger v. United States* held that, in certain contexts, the jury — not the judge — must find facts that increase a sentencing exposure. The Eighth Circuit's ruling declines to extend *Erlinger* to invalidate the § 851 process. Practical effect: in the Eighth Circuit, § 851 enhancements remain available to the government using the existing procedure; counsel litigating *Erlinger*-based challenges should preserve the issue for further review.

Ninth Circuit on biased jurors and structural error

LISA Newsletter (Legal Information Services Associates) · 2026-05-19

The Ninth Circuit addressed how courts should treat post-verdict evidence that a juror expressed racial or ethnic bias during deliberations. Practical effect: in the Ninth Circuit, such evidence — under *Pena-Rodriguez v. Colorado* and its progeny — may support post-trial relief without a structural-error finding in every case. Defendants in the Ninth Circuit with credible evidence of juror bias should consult counsel about post-conviction options.

Supreme Court certiorari numbers continue to trend lower

LISA Newsletter (Legal Information Services Associates) · 2026-05-21

The Supreme Court receives a lower volume of certiorari petitions than in prior decades, but the percentage granted has not risen correspondingly. Practical effect: petitioners pursuing federal criminal-law issues at the Supreme Court should not assume improved odds from lower petition volumes; counsel should still treat circuit splits and clear vehicle issues as the primary path to cert review.

Circuits continue to divide on the 'crime of violence' definition

LISA Newsletter (Legal Information Services Associates) · 2026-05-29

Two recent decisions illustrate the ongoing dispute over which underlying offenses qualify as 'crimes of violence' for purposes of sentence enhancements, including those under 18 U.S.C. § 924(c) and the career-offender provisions of U.S.S.G. § 4B1.2. Practical effect: defendants sentenced under crime-of-violence enhancements should review whether their predicate offense remains a qualifying crime of violence under current circuit law, and whether a § 2255 motion or other vehicle is available.

BOP Operations

Advancing Excellence in Correctional Training

Federal Bureau of Prisons · 2026-05-22

BOP announced updates to its correctional officer training program. For families and inmates, the immediate operational effect is limited; over time, training changes can affect institutional culture and incident response. The announcement does not change any inmate-facing rule.

2026 Correctional Workers' Week Memorial Service

Federal Bureau of Prisons · 2026-05-20

BOP held its annual memorial service for correctional workers in conjunction with Correctional Workers' Week (early May). Families visiting facilities during the week sometimes encounter modified schedules around staff observances; check the visitation page for the specific facility before traveling.

Strengthening Our Workforce, Honoring Our People

Federal Bureau of Prisons · 2026-05-18

BOP issued a workforce-focused statement covering recruitment and retention initiatives. For incarcerated people, staffing levels at individual institutions affect programming availability, movement, and visitation operations; persistent understaffing at a facility can be a relevant fact in administrative-remedy filings concerning program access.

Transforming Bureau of Prisons Through Technology and Leadership

Forbes · 2026-05-23

Coverage of BOP leadership and technology initiatives, including modernization of communication systems and case-management tools. For inmates and families, the practical question remains the same: which systems are operational at the specific institution where a loved one is housed. Ask the unit team about TRULINCS (the inmate email system) availability and video-visitation options.

Policy & Legislation

Reports on clemency processes in the current administration

LISA Newsletter (Legal Information Services Associates) · 2026-05-28

Public reporting addresses how the current clemency process operates and the channels through which clemency petitions are evaluated. Practical effect: federal clemency petitions are filed through the Office of the Pardon Attorney (OPA) at the Department of Justice; the standard form and instructions are at [justice.gov/pardon](https://www.justice.gov/pardon). Petitions remain the formal route regardless of any informal channels reported in the media.

Reported pardon planning around the United States 250th anniversary

LISA Newsletter (Legal Information Services Associates) · 2026-05-18

Reports indicate the White House is considering issuing pardons in connection with the July 4, 2026 anniversary. Pardons under Article II of the Constitution are the President's discretionary act; petitioners interested in being considered should ensure their OPA petition is on file and current. Existing OPA petitions can be supplemented with current letters of support and updated post-conviction conduct documentation.

FCI Dublin environmental assessment and transfer to GSA

LISA Newsletter (Legal Information Services Associates) · 2026-05-15

BOP has issued an environmental assessment of the closed FCI Dublin in California, the initial step in transferring the property to the General Services Administration. Practical effect: former Dublin inmates and counsel pursuing claims arising from conditions at Dublin should preserve records and continue to track the property's disposition, which affects access to records and evidence.

Reentry & Programming

Coverage of federal reentry programming outcomes

Washington Times · 2026-05-25

Coverage discusses federal reentry programming and outcomes. For incarcerated people approaching release, the relevant operational questions are RRC placement length (governed by 18 U.S.C. § 3624(c) and FSA credits under § 3624(g)), employment-readiness programming completed in custody, and access to community supervision officers in the district of release.

Federal inmate convicted in fraud scheme escapes Georgia prison

CBS News · 2026-05-29

Reporting on an escape from a federal institution in Georgia. Escape is a separate federal offense under 18 U.S.C. § 751; conviction typically results in a consecutive sentence and adds a Public Safety Factor that affects future custody classification. For families whose loved ones may be considering the consequences of any unauthorized departure, the regulatory and sentencing penalties are substantial and durable.

PRACTICAL TIP

Plan Juneteenth visitation now

Juneteenth (June 19) is a federal holiday and falls on a Friday this year. Federal institutions generally operate on a holiday visitation schedule on federal holidays, which can mean modified hours, increased visitor volume, or — at some facilities — no social visitation at all. Before traveling, check the specific institution's visitation page on bop.gov for the current schedule, confirm your approved-visitor status with the inmate's unit team, and call the institution's main line to confirm holiday hours. If you plan to use a residential reentry center or video-visitation tool around the holiday weekend, schedule the visit in the visitation system early; holiday slots fill quickly.

For families combining Juneteenth and Memorial-Day-period visits with summer travel, factor in that processing times at institutional front gates often slow on holiday weekends. Arrive earlier than usual, bring a current government-issued ID, and review the institution's dress code and item-restriction page beforehand to avoid being turned away.

Inside Out will return with the next biweekly briefing covering developments through June 22. Readers who need further assistance navigating a specific federal-prison matter — whether a designation question, an administrative-remedy filing, a compassionate-release inquiry, or release-planning logistics — can reach DrPrison.org at help@drprison.org.

NEED FURTHER ASSISTANCE?

Readers navigating a specific federal-prison matter — a designation question, a halfway house issue, an administrative remedy, a compassionate release motion — can reach DrPrison.org directly at help@drprison.org. Inside Out is a free service; no subscription required.

Inside Out is published biweekly by DrPrison.org. Founded by Dr. Patrick Fisher, PhD, LPC, NCC. Editorial contributions from lived-experience consultants including Ken Gaughan.

This briefing is for informational purposes only and does not constitute legal advice. For legal questions consult a qualified federal criminal defense attorney. For crisis support in the United States, call or text 988.

<https://drprison.org/newsletter>