

INSIDE OUT

A biweekly briefing on the federal prison system for families, defendants, and advocates Vol. 1 · No. 12 · Inmate Edition

Inside Out — October 2, 2026: New FSA Oversight Office, Union Bargaining Order Restored, and the November 1 Guideline Changes

This issue covers several developments that will shape federal custody and sentencing over the next several months. The Bureau of Prisons (BOP) has created a dedicated First Step Act (FSA) office intended to centralize administration of the law's earned-time-credit and programming provisions. A federal district court has ordered the BOP to restore the collective bargaining agreement with the Council of Prison Locals, the union representing most BOP staff. And the U.S. Sentencing Commission's annual guideline amendments take effect November 1, 2026, with the most consequential changes affecting economic-crimes offenses.

Also in this issue: a death in custody at USP Coleman I, a change to 28 C.F.R. § 523.42(a) that broadens who may begin earning FSA Time Credits, continued litigation over the BOP's transgender-care policy now before the Supreme Court, and recent circuit rulings on compassionate release and supervised-release early termination.

As always, the goal is to give families, defendants, attorneys, and people in reentry the context and specific next steps that make this information usable. Where policy is unclear or where practice is diverging from the rules, we say so.

THIS WEEK'S LEAD

BOP Establishes a Dedicated First Step Act Office; Separate Compliance Division Also Launched

Theme: fsa / oversight / implementation

On September 24, 2026, the Bureau of Prisons announced the creation of a dedicated First Step Act (FSA) Office. The FSA, enacted in December 2018, authorizes incarcerated people in federal custody to earn Time Credits (often called 'FTCs' or 'ETCs') for completing approved Evidence-Based Recidivism Reduction (EBRR) programs and Productive Activities (PAs). Those credits can be applied either toward earlier transfer to prerelease custody — a Residential Reentry Center (RRC, commonly called a 'halfway house') or Home Confinement (HC) — or toward up to 12 months off the end of a sentence, under 18 U.S.C. § 3632(d)(4) and 18 U.S.C. § 3624(g).

Since the FSA's enactment, families and attorneys have reported wide inconsistency in how credits are calculated, when programming is made available, and how prerelease placement is scheduled. The new office is described by BOP as a centralized point for policy, auditing, and training on FSA implementation. Separately, on September 22, 2026, BOP announced a new Division of Compliance and Oversight, intended to monitor adherence to BOP policy across institutions.

Alongside the new office, BOP amended 28 C.F.R. § 523.42(a) effective September 30, 2026. Under the prior version, FSA Time Credits could begin accruing only after an inmate's PATTERN risk assessment and needs assessment were completed. The amendment allows credit accrual to begin at the start of the sentence, with earlier credits applied retroactively once the initial assessments are done. The practical effect is that administrative delay in completing initial assessments no longer costs an inmate credits for the intervening period. The LISA Newsletter (Legal Information Services Associates) notes that this change was prompted by litigation challenging the earlier rule.

UNDERSTANDING THIS STORY

Before incarceration

If you are pre-sentence or awaiting self-surrender

The amended regulation means your FSA credit clock, in principle, begins on the day you enter federal custody — not weeks or months later when your unit team completes the initial PATTERN and needs assessments. This matters because initial-classification delays at some facilities have historically run 60–120 days, and under the prior rule those days were lost. Make sure your attorney and your family understand that any delay in the initial assessment should not reduce your eventual credit totals, and that discrepancies should be raised early.

As you prepare for self-surrender, ask counsel to document in your sentencing memorandum any programming you have already completed (education, substance-abuse treatment, cognitive-behavioral

programming) that could support a lower needs classification. The judicial recommendations in the Statement of Reasons can also flag eligibility concerns, including a request that the BOP evaluate you for the Residential Drug Abuse Program (RDAP) if applicable.

During incarceration

If you or your loved one is currently in custody

Request a current FSA Time Credit Assessment printout from your Unit Team. Compare the start date of credit accrual against your actual intake date at your designated facility. Under the amended § 523.42(a), the start date should reflect sentence commencement, with credits for pre-assessment time applied retroactively once initial PATTERN and needs assessments are complete. If the printout shows a later start, raise it in writing with the Unit Manager and ask for a corrected calculation.

The new FSA Office does not change the existing administrative remedy pathway. If informal resolution with the Unit Team fails, the formal process begins with a BP-8 (informal resolution), then BP-9 (institution level), BP-10 (regional), and BP-11 (central office), under 28 C.F.R. §§ 542.13–.15. Document the specific regulatory basis for your request (28 C.F.R. § 523.42(a) as amended effective September 30, 2026) in each filing.

POLICY & REGULATORY REFERENCES

The First Step Act of 2018 is codified in relevant part at 18 U.S.C. § 3632 (programming and credit accrual) and 18 U.S.C. § 3624(g) (application of credits to prerelease custody and supervised release). BOP implementing regulations are at 28 C.F.R. part 523, subpart E. The amendment at issue, 28 C.F.R. § 523.42(a), effective September 30, 2026, changes the trigger for credit accrual from completion of the initial assessment to sentence commencement, with retroactive application once assessments are complete. BOP Program Statement 5410.01 (First Step Act of 2018 — Time Credits Procedures) is the operational companion. The PATTERN risk tool is governed by 18 U.S.C. § 3632(a) and the Department of Justice's periodic PATTERN revalidation reports. Administrative remedy procedures are at 28 C.F.R. §§ 542.10–.19 and BOP Program Statement 1330.18. Judicial review of FSA credit calculations typically proceeds under 28 U.S.C. § 2241 after exhaustion. The new Division of Compliance and Oversight is an internal BOP structure and does not alter statutory or regulatory review pathways.

ACTION ITEMS THIS WEEK

- Request a current FSA Time Credit Assessment printout from the Unit Team and compare the credit-start date to the sentence-commencement date.
- If the printout reflects an assessment-date start rather than a sentence-commencement start, submit a written request for recalculation citing 28 C.F.R. § 523.42(a) as amended effective September 30, 2026.
- If informal resolution fails, file BP-8 and track all response deadlines under 28 C.F.R. § 542.18.
- Attorneys with pending § 2241 petitions on credit-accrual-start issues should assess whether the amendment moots or materially changes the pending claim.
- Document all programming completed during any pre-assessment period and request that Productive Activity credit be recognized for that time.
- Families should keep copies of each FSA Time Credit Assessment printout received, with the date, to establish a timeline for any later dispute.

SOURCES

- [Dedicated First Step Act Office](#) — Federal Bureau of Prisons
- [Introducing the Division of Compliance and Oversight](#) — Federal Bureau of Prisons
- [BOP Trumpets New Rule It Was Forced To Adopt](#) — Update for September 22, 2026 — LISA Newsletter (Legal Information Services Associates)
- [Fill Out This Form \(In Triplicate\)](#) — Update for October 1, 2026 — LISA Newsletter (Legal Information Services Associates)
- [BOP Creates New Office to Oversee First Step Act Implementation](#) — FEDagent
- [Bureau Of Prisons Creates Dedicated First Step Act Office](#) — Forbes

DEEP DIVE 2

Federal Court Orders BOP to Restore Collective Bargaining Agreement with Staff Union

Theme: labor / staffing / facility operations

On September 29, 2026, a federal district court issued an injunction ordering the Bureau of Prisons to restore the collective bargaining agreement with the Council of Prison Locals (CPL), the American Federation of Government Employees affiliate that represents the majority of BOP line staff — correctional officers, case managers, counselors, teachers, and health-services personnel. The agreement had been rescinded earlier in 2026 under a broader federal executive action affecting union recognition at several agencies. The order directs restoration of contractual grievance procedures, labor-management consultation rights, and related protections.

Staff labor conditions affect families directly even though the dispute is between the BOP and its workforce. Case-management contact (updates on designation, FSA credit calculations, release planning), unit-team availability, programming schedules, medical appointments, and visitation operations all depend on predictable staffing. For reentry planning, the processing of Residential Reentry Center referrals through the Residential Reentry Management (RRM) offices depends on case-management staff who were covered by the agreement.

The ruling restores the pre-existing contractual framework; it does not change statutory responsibilities under 18 U.S.C. § 4042 (BOP duties) or alter institutional policy on inmate programming, discipline, or classification. Appeals are likely.

UNDERSTANDING THIS STORY

During incarceration

What this means for daily life inside

Operationally, the restoration of a stable labor framework may reduce short-term volatility in post orders, overtime patterns, and staff reassignments that have driven some of the modified operations, lockdowns, and canceled programming reported at various institutions over the past year. There is no immediate change to BOP policy that an incarcerated person needs to act on.

If programming you were enrolled in has been canceled or suspended, continue to document attendance records and request written confirmation of enrollment status from your Unit Team or Education Department. Programming completion is tied to FSA credit accrual, so gaps that are not the inmate's fault should still be documented contemporaneously.

POLICY & REGULATORY REFERENCES

The BOP's statutory duty of care is set out at 18 U.S.C. § 4042. Federal-sector collective bargaining is governed by the Federal Service Labor-Management Relations Statute, 5 U.S.C. §§ 7101–7135, with the Federal Labor Relations Authority as the administrative body. BOP operational policies implicated by staffing include Program Statement 5500.14 (Correctional Services Procedures Manual), programming program statements (including PS 5330.11 for inmate programs), and the Residential Reentry Center designation framework in Program Statement 7310.04. Administrative remedy obligations for incarcerated people (28 C.F.R. §§ 542.10–.19) are unaffected by the labor ruling.

ACTION ITEMS THIS WEEK

- If programming you depend on for FSA credit has been canceled or suspended, request written confirmation of enrollment status and dates of cancellation from the Education Department or Unit Team.
- Keep a dated log of any visitation, phone, or mail disruptions, including the reason given by staff where available.
- If a routine Unit Team request has gone unanswered beyond typical response windows, escalate in writing to the Unit Manager; preserve copies.
- Attorneys handling conditions-based claims should request facility rosters, post-order data, and modified-operation logs for the period the CBA was rescinded.
- Families planning visits should confirm visitation status 48 hours in advance via the institution's recorded visitation line or the BOP's facility page.

SOURCES

- [Judge orders Bureau of Prisons to restore its union's collective bargaining agreement](#) — CBS News
- [Federal Judge Orders Bureau of Prisons to Restore Union Protections](#) — The New York Times
- [BOP ordered to restore collective bargaining contract](#) — Federal News Network

DEEP DIVE 3

U.S. Sentencing Commission's November 1, 2026 Amendments Take Effect, With Economic-Crimes Changes Headlining

Theme: sentencing / guidelines / november 1

The U.S. Sentencing Commission's annual amendment cycle produces guideline changes that take effect November 1 unless Congress acts to disapprove them. The 2026 cycle includes several notable changes, with the most substantial affecting the economic-crimes guideline, U.S.S.G. § 2B1.1 (theft, embezzlement, fraud, and related offenses). Changes also affect loss-calculation methodology, specific-offense characteristics tied to victim counts and sophistication, and cross-references to related guidelines.

For defendants with a pending sentencing hearing after November 1, 2026, the amended guidelines will apply, subject to the Ex Post Facto Clause (which permits use of the version in effect at the time of the offense if the amended version would produce a higher sentence). For those already sentenced, retroactivity depends on whether the Commission designates specific amendments for retroactive application under U.S.S.G. § 1B1.10, which is a separate action and had not been announced for the 2026 cycle at the time of this issue.

These changes do not alter FSA eligibility rules, PATTERN scoring, or BOP designation policy. They affect the calculation of the advisory guideline range at sentencing, which remains the starting point for the sentencing court's analysis under 18 U.S.C. § 3553(a).

UNDERSTANDING THIS STORY

Before incarceration

If your sentencing is scheduled after November 1, 2026

Ask counsel in writing to compare your guideline calculation under both the pre-amendment and post-amendment versions of U.S.S.G. § 2B1.1 (and any other relevant guidelines) and to identify which produces a lower range. The Ex Post Facto Clause requires the court to apply the version in effect at the time of the offense if the amended version would produce a higher range; conversely, if the amended version is lower, you should affirmatively request its application.

In addition, discuss whether any of the specific changes materially affect loss calculation, victim-count enhancements, or sophistication-means enhancements in your case. These are the pressure points most likely to shift the final range.

POLICY & REGULATORY REFERENCES

Guideline amendments are authorized under 28 U.S.C. § 994 and take effect under § 994(p) unless Congress disapproves. Ex post facto treatment is governed by U.S.S.G. § 1B1.11, which directs courts to use the

Guidelines Manual in effect at sentencing unless that version would raise the sentence above what the version at the time of the offense would have produced. Retroactive application of a guideline amendment to a defendant already sentenced requires designation of the amendment in U.S.S.G. § 1B1.10(d) and a motion under 18 U.S.C. § 3582(c)(2). The sentencing court's broader obligation under 18 U.S.C. § 3553(a) is unchanged, including the directive to impose a sentence sufficient but not greater than necessary. The amended economic-crimes guideline is U.S.S.G. § 2B1.1; the Commission's amendments and reasons are published on the USSC website.

ACTION ITEMS THIS WEEK

- If sentencing is scheduled on or after November 1, 2026, ask counsel to produce a side-by-side guideline calculation under both the 2025 and 2026 Manuals.
- Request that counsel's sentencing memorandum expressly address which Manual applies under U.S.S.G. § 1B1.11 and the Ex Post Facto Clause.
- If already sentenced for an economic-crimes offense, watch for any retroactivity designation under U.S.S.G. § 1B1.10 in future Commission actions, which would open a § 3582(c)(2) pathway.
- Families should ask counsel directly whether the November 1 changes alter the expected range in their case — do not assume they will.
- Preserve all Presentence Investigation Report (PSR) objections tied to loss, victim counts, and sophistication-means enhancements for the record.

SOURCES

- [Tampa Federal Defense Firm Explains November 1 Changes to Federal Sentencing Guidelines](#) — 24-7 Press Release
- [Economic Crimes See Meaningful Changes By Sentencing Commission](#) — Forbes

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.

Compassionate release — narrowing of 'extraordinary and compelling' grounds

PATTERN

Multiple circuit decisions this reporting window reinforce a narrower reading of what qualifies as 'extraordinary and compelling reasons' for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A). Following the Supreme Court's decision in *Rutherford v. United States*, which held that non-retroactive statutory changes cannot by themselves constitute extraordinary and compelling reasons, lower courts have continued to reject arguments that attempt to work around that holding — including stacking of circumstances in which a non-retroactive change is a component factor. The LISA Newsletter has tracked these developments across circuits in recent weeks.

The practical effect is that compassionate-release motions grounded primarily in sentencing-law changes face high headwinds. Motions grounded in medical, caregiver, age, or facility-conditions grounds — the categories expressly identified in U.S.S.G. § 1B1.13 — remain viable where supported by documentation.

WHAT FAMILIES AND DEFENDANTS CAN DO

If preparing a § 3582(c)(1)(A) motion, build the record around categories expressly identified in U.S.S.G. § 1B1.13 (medical, age, family circumstances, abuse in custody, 'other reasons' tied to those categories). Document medical conditions with institutional medical records (requested via BP-A0790 or the inmate's health-services records request), caregiver circumstances with court or agency documentation, and facility conditions with contemporaneous grievance records. Before filing in court, exhaust the warden-request prerequisite under § 3582(c)(1)(A) — a written request to the warden, with 30 days' lapse or a denial, is a jurisdictional prerequisite in most circuits.

SOURCES

- [Creativity in Compassionate Release Argument Gets No Love — Update for September 25, 2026](#) — LISA Newsletter (Legal Information Services Associates)
- [Not Thinking About A Big White Bear — Update for October 2, 2026](#) — LISA Newsletter (Legal Information Services Associates)

Supervised release early termination — tighter scrutiny

PATTERN

Recent appellate decisions tracked by the LISA Newsletter reflect a trend toward tighter judicial scrutiny of motions for early termination of supervised release under 18 U.S.C. § 3583(e)(1). Courts are increasingly requiring more than compliance with conditions; they are looking for a specific articulation of how continued supervision is not needed in light of the § 3553(a) factors.

WHAT FAMILIES AND DEFENDANTS CAN DO

People preparing a § 3583(e)(1) motion should build the record with concrete, documented post-release achievements — stable employment with pay stubs, housing stability, completion of treatment or education, community engagement — and should ask the supervising U.S. Probation Officer in writing whether the office will take a position (supportive, neutral, or opposed). The probation officer's position is often decisive. In districts with formal early-termination policies, confirm compliance with any waiting period (commonly one year of supervision completed) and any categorical exclusions.

SOURCES

- [Taking the 'Early' Out of 'Early Termination' — Update for September 29, 2026](#) — LISA Newsletter (Legal Information Services Associates)

BOP Operations

Death at USP Coleman I

Federal Bureau of Prisons · 2026-09-24

The BOP announced the death of an incarcerated person at USP Coleman I, a high-security U.S. Penitentiary in Sumter County, Florida, part of the Federal Correctional Complex (FCC) Coleman. Under BOP policy and 28 C.F.R. § 553.10, the agency notifies the next-of-kin on file and refers the matter to the FBI and the Department of Justice Office of Inspector General for investigation. Families of other individuals housed at the facility who need information about operations following an in-custody death can contact the institution's Executive Assistant and should also confirm their next-of-kin and emergency contact information is current with the Unit Team.

Video Message from the Director: Suicide Prevention, Wellness and Support

Federal Bureau of Prisons · 2026-09-23

BOP released a Director's message on suicide prevention and wellness, timed to National Suicide Prevention Awareness Month in September. Incarcerated people experiencing a mental-health crisis can request to see Psychology Services; families with urgent concerns about a loved one's safety should contact the institution's Psychology Services Department directly and ask that a welfare check be documented.

BOP Hosts Facilities Management Industry Week

Federal Bureau of Prisons · 2026-10-01

The BOP held an industry engagement event focused on facilities management — infrastructure, maintenance, and contracting. For families, the practical connection is that long-deferred facility maintenance (heating, cooling, plumbing, mold, structural issues) has been a recurring source of institutional-conditions complaints; contracting activity in this area can indicate planned remediation. Specific facility-conditions concerns should still be raised through the administrative remedy process at 28 C.F.R. §§ 542.10–19.

Sentencing & Courts

Supreme Court term opens; stay request pending on transgender-care policy

SCOTUSblog · 2026-09-28

The Department of Justice has asked the Supreme Court to lift a lower court order blocking enforcement of the BOP's revised policy on care for transgender inmates. The underlying litigation concerns housing and medical-care provisions. Transgender individuals in BOP custody or their counsel should monitor the docket; current medical treatment regimens should not be interrupted without written notice through Health Services, and any changes should be documented through the administrative remedy process.

Supreme Court term begins — pending federal criminal cases

LISA Newsletter (Legal Information Services Associates) · 2026-09-28

The Supreme Court's October 2026 Term begins the first Monday in October, with several federal-criminal-law matters on the docket. Decisions in these cases over the coming term can affect sentencing, § 2255 practice, and conditions-of-confinement litigation. Counsel with cases implicating pending issues should preserve objections and consider timing of post-conviction motions in light of expected rulings.

Fifth Circuit en banc argument in felon-in-possession Commerce Clause challenge

LISA Newsletter (Legal Information Services Associates) · 2026-09-21

The Fifth Circuit is considering en banc whether 18 U.S.C. § 922(g)(1), the federal felon-in-possession statute, survives a Commerce Clause challenge. The outcome will affect current and future § 922(g)(1) prosecutions within the circuit (Texas, Louisiana, Mississippi). Defendants with pending § 922(g)(1) charges or recent convictions in the Fifth Circuit should discuss with counsel whether to preserve a Commerce Clause objection pending the ruling.

First Circuit ruling affects career-offender predicate analysis

LISA Newsletter (Legal Information Services Associates) · 2026-09-24

The First Circuit addressed the use of a mere-possession methamphetamine prior as a predicate for enhanced sentencing. Defendants in Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico with sentences enhanced on similar predicates should ask counsel to review whether the ruling supports a § 2255 motion or other post-conviction relief.

Reentry & Prerelease

Elizabeth Holmes scheduled for transfer to Residential Reentry Center in 2027

NBC News · 2026-09-24

News reports indicate Elizabeth Holmes is scheduled for transfer from FPC Bryan (a federal prison camp in Texas) to a Residential Reentry Center (RRC, or 'halfway house') in Austin in August 2027. The case is a high-profile illustration of the prerelease-placement pathway: under 18 U.S.C. § 3624(c), the BOP may place an inmate in prerelease custody for up to 12 months, and under FSA Time Credits a longer prerelease period may be available. Family members of individuals approaching their anticipated prerelease window should ask the Unit Team when the RRC referral packet will be submitted to the Residential Reentry Management (RRM) office — typically 17–19 months before projected release.

Policy & Legislation

28 C.F.R. § 523.42(a) amendment effective September 30, 2026

LISA Newsletter (Legal Information Services Associates) · 2026-09-22

Effective September 30, 2026, the amended regulation allows FSA Time Credit accrual to begin at sentence commencement, with credits for the pre-assessment period applied retroactively once initial assessments are complete. People in BOP custody who entered within the past two years and had long pre-assessment gaps should request a fresh FSA Time Credit Assessment and compare the start date to intake.

Latest Developments Under the First Step Act

Forbes · 2026-09-30

A roundup of recent FSA implementation issues, including PATTERN scoring, EBRR assignment, and prerelease-placement timing. Readers watching their own FSA calculations should pair any policy-level summary with a current printout of their individual FSA Time Credit Assessment from the Unit Team.

PRACTICAL TIP

This month: request a fresh FSA Time Credit Assessment printout

With the amendment to 28 C.F.R. § 523.42(a) effective September 30, 2026, the single most useful step a currently incarcerated reader can take this month is to request a current FSA Time Credit Assessment printout from the Unit Team and compare the credit-accrual start date to the actual sentence-commencement date. If the printout shows a later start — such as the date the initial PATTERN and needs assessments were completed — that is a specific, documentable discrepancy to raise in writing under the amended regulation.

For families planning around the November Thanksgiving visitation surge: confirm visitation status and visitor-approval records 48 hours before travel, and verify the institution's visitation schedule for the holiday period, since many facilities adjust hours for Thanksgiving Day and the surrounding weekend. Visitor approvals that lapse are a routine cause of denied visits; check the status of each visitor's BP-A0629 approval before holiday travel.

Inside Out will return in two weeks with coverage of the November 1 guideline implementation, continued developments at the new FSA Office, and ongoing litigation at the Supreme Court. Readers who need further assistance navigating a specific federal-prison matter 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.

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