

## Inside Out — Week of May 14, 2026: Circuit Splits on FSA Credits, USSC's 2026 Amendments, and a Death at FCI Sheridan

This week's briefing tracks three developments that affect federal defendants and incarcerated people directly. First, the Fourth Circuit's decision in *Benson v. Warden* — that First Step Act Earned Time Credits can accrue for programming completed in non-BOP custody before designation — has now been followed by another circuit, narrowing the geographic zone in which the Bureau of Prisons' contrary internal rule still controls. Second, the United States Sentencing Commission published its 2026 amendment package, including changes to drug offenses, multiple-count grouping, sentencing options, and an inflationary adjustment to monetary thresholds. Third, the BOP announced a death at FCI Sheridan and the Government Accountability Office released a report on the investigation of sexual abuse complaints inside federal facilities.

Also in this issue: the Supreme Court declined to take up a Department of Justice petition in a felon-in-possession case under 18 U.S.C. § 922(g)(1) while a related case (*Hemani*) remains pending; the BOP awarded a five-year contract to a voice-analytics vendor for inmate telephone monitoring; and the agency confirmed it will not revise its current policy on the housing and medical care of transgender people in federal custody.

Deep dives cover the FSA pre-designation credit question and the 2026 Guidelines amendments. Quick hits, a systemic-issues section, and a practical tip on documenting programming completed in pretrial custody follow.

### THIS WEEK'S LEAD

## Second Circuit Court Holds FSA Earned Time Credits Can Accrue Before BOP Designation

*Theme: FSA / pre-designation Earned Time Credits / circuit law*

The First Step Act of 2018 (FSA) created a system of Earned Time Credits (ETCs) — days off a federal sentence (and additional time toward prerelease custody) that an incarcerated person earns by completing approved Evidence-Based Recidivism Reduction (EBRR) programs and Productive Activities (PAs). The

Bureau of Prisons (BOP) — the federal agency that operates federal prisons — has long taken the position in its regulations and Program Statement 5410.01 that ETCs begin accruing only once a person is in BOP custody at a designated facility, not while they are held in a county jail or private detention facility awaiting transfer (often called 'holdover' or 'pretrial' custody).

In *Benson v. Warden*, the Fourth Circuit rejected that position, holding that the statute (18 U.S.C. § 3632(d) (4)) does not authorize BOP to deny credit for programming actually completed before designation. According to reporting in the LISA Newsletter (Legal Information Services Associates), a second circuit has now reached the same conclusion in a follow-up case, deepening the conflict between the statute as courts are reading it and BOP's internal rule. Separate reporting in the legal trade press has framed the underlying issue as one of administrative deference after the Supreme Court's 2024 decision in *Loper Bright Enterprises v. Raimondo*, which curtailed the long-standing *Chevron* framework that previously caused courts to defer to agency interpretations of ambiguous statutes.

Why it matters this week: people who spent six months, a year, or more in pretrial detention before reaching their designated BOP facility may, depending on the circuit, be entitled to ETCs for documented programming completed during that period. The practical consequence is potentially significant time off a sentence and earlier eligibility for prerelease custody (halfway house or home confinement).

## UNDERSTANDING THIS STORY

### BEFORE INCARCERATION

#### **If you are pre-sentence or pre-self-surrender**

If you are still in the pretrial phase or awaiting self-surrender, this development affects how you should think about programming available in your current setting. Many county jails and private pretrial facilities offer classes — drug education, parenting, GED preparation, anger management, cognitive-behavioral programming — that can resemble or correspond to BOP-approved EBRRs and PAs. Until recently, BOP's position was that those classes did not count toward ETCs. Recent circuit rulings have begun to change that calculus in some jurisdictions.

Practically: keep a contemporaneous, dated record of every class or program you complete in pretrial custody. Save certificates. Ask the jail's programs office for a written summary of participation, on letterhead if possible. When you reach your designated BOP facility, your case manager and unit team will be the ones who calculate ETCs; you will need documentation to make any argument that pre-designation programming should count. The argument is stronger in circuits that have ruled on the question; your attorney can tell you whether your sentencing district is in one of them.

## DURING INCARCERATION

### If you or your loved one is currently incarcerated

If you served significant pretrial or holdover time and completed programming during it, request a recalculation of your FSA Time Credit assessment from your unit team in writing. The BOP form used to initiate informal resolution is the BP-8; if the unit team declines, the formal administrative remedy process begins with the BP-9 to the warden. You should attach documentation of any pre-designation programming.

Be aware that BOP's response will likely cite its current rule (28 C.F.R. § 523.42) and Program Statement 5410.01, which limit ETC accrual to time in BOP custody. The administrative remedy process must be exhausted before most federal courts will hear a habeas petition under 28 U.S.C. § 2241. In the circuits that have ruled on Benson-type claims, a § 2241 petition filed after exhaustion is the procedural vehicle most commonly used.

## FAMILY, FRIENDS & ADVOCATES

### For families and outside supporters

The most useful thing a family member can do right now is collect and preserve records. If your loved one was held in a county jail, private detention facility, or U.S. Marshals contract facility before being designated, contact the records office of that facility and request a copy of any programming history. Many jails will release this directly to the inmate or to a designated representative with a signed release.

Keep copies in a paper file outside the prison — staff turnover, transfers, and lost paperwork are common, and a family-held record can be the difference between a successful and a denied recalculation request. If your loved one is represented by counsel, send the documentation to the attorney. If not, organizations such as federal defender offices and the National Association of Criminal Defense Lawyers (NACDL) maintain referral lists.

## ATTORNEYS & PRISON OFFICIALS

### For attorneys and institutional actors

The threshold question for any retroactive ETC claim is jurisdictional: where was the client sentenced, where are they housed, and whose circuit law governs the habeas petition. Habeas under § 2241 is filed in the district of confinement, which in many cases will be different from the district of sentencing. The Fourth Circuit's ruling binds districts within its territory; the second ruling reported by LISA expands that footprint, but circuits that have not yet ruled remain governed by BOP's rule until a court holds otherwise.

On the merits, the post-Loper Bright posture matters. Pre-2024, BOP would have been entitled to Chevron deference on its interpretation of § 3632(d)(4); after Loper Bright, courts review the statute de novo.

Practitioners should consider whether to raise the issue at sentencing (asking the court to recommend BOP credit pre-designation programming), in a § 2241 petition after exhaustion, or via a sentence reduction motion under 18 U.S.C. § 3582(c)(1)(A) where appropriate.

## POLICY AND REGULATORY REFERENCES

The statutory basis for Earned Time Credits is 18 U.S.C. § 3632(d)(4), enacted as part of the First Step Act of 2018. The statute provides that an eligible incarcerated person 'who successfully

completes' EBRR programming or PAs 'shall earn' time credits, at a rate of 10 or 15 days per 30 days of programming depending on risk-reduction status. BOP's implementing regulations are at 28 C.F.R. §§ 523.40–.44, which together with Program Statement 5410.01 (FSA Time Credits) establish the agency's current rule that credits accrue only in BOP custody. The Fourth Circuit in *Benson v. Warden* read the statute as not requiring BOP custody for accrual; LISA Newsletter (Legal Information Services Associates) reports a second circuit has now reached the same conclusion. The administrative remedy framework is at 28 C.F.R. §§ 542.10–.19 (BP-8 informal, BP-9 to warden, BP-10 to regional director, BP-11 to general counsel). Habeas review of BOP custody decisions runs under 28 U.S.C. § 2241 and requires exhaustion of administrative remedies as a prudential matter in most circuits. The Supreme Court's 2024 decision in *Loper Bright Enterprises v. Raimondo* eliminated Chevron deference to agency interpretations of ambiguous statutes, which is the doctrinal pivot underlying the current wave of FSA litigation.

#### **ACTION ITEMS THIS WEEK**

- Request your FSA Time Credit Assessment in writing from your unit team and ask specifically how pre-designation time was treated.
- Compile documentation of any programming completed in county jail, private detention, or U.S. Marshals custody before BOP designation — certificates, attendance records, signed letters from jail program staff.
- If the unit team denies a recalculation, file a BP-8 (informal resolution) followed by a BP-9 to the warden within the timelines at 28 C.F.R. § 542.14 (generally 20 calendar days from the event being grieved).
- Identify the circuit in which your facility sits — habeas petitions under § 2241 are filed in the district of confinement, and the governing case law turns on that circuit's position.
- Consult counsel, a federal defender, or a referral organization before filing a § 2241; pro se petitions filed without exhaustion are commonly dismissed.
- If you are pre-sentence, ask your attorney whether to request, at sentencing, a judicial recommendation that BOP credit pre-designation programming under § 3632(d)(4).

#### **SOURCES**

Back to School, Wherever You Are — Update for May 7, 2026 — *LISA Newsletter (Legal Information Services Associates)*

Loper Bright May Be Coming for BOP Time Credit Rules — Update for April 28, 2026 — *LISA Newsletter (Legal Information Services Associates)*

Circuit Courts Tend to Get in Line — Update for May 14, 2026 — *LISA Newsletter (Legal Information Services Associates)*

First Step Act credits require fresh review after end of Chevron — *North Carolina Lawyers Weekly*

#### **DEEP DIVE 2**

# U.S. Sentencing Commission Publishes 2026 Amendment Package: Drugs, Multiple Counts, Sentencing Options, Inflation Adjustment, and Simplification

*Theme: Sentencing Guidelines / 2026 amendments*

The United States Sentencing Commission (USSC) — the independent agency that promulgates the federal Sentencing Guidelines (USSG) — published its 2026 amendment package on April 29, 2026. Five amendments were released in 'Amendment In Brief' summary form: a Drug Offenses Amendment, a Multiple Counts Amendment, a Sentencing Options Amendment, an Inflationary Adjustment Amendment, and a Simplification Amendment.

Federal sentencing guidelines are advisory under *United States v. Booker* (2005), but they remain the starting point for nearly every federal sentence: the probation officer calculates a guideline range in the Presentence Investigation Report (PSR), the parties argue around that range, and the court considers it alongside the factors at 18 U.S.C. § 3553(a). Amendments to the Guidelines therefore matter to anyone facing sentencing and, in some cases, to people already sentenced — when the Commission designates an amendment as retroactive under USSG § 1B1.10, people serving sentences under the prior version may file a motion under 18 U.S.C. § 3582(c)(2) to seek a reduction.

The 2026 package adjusts monetary thresholds in fraud and theft guidelines to account for inflation, restructures how multiple counts of conviction are grouped for offense-level calculation, modifies drug-offense calculations, expands or clarifies non-prison sentencing options, and simplifies several guideline provisions the Commission identified as overly complex. Whether any 2026 amendment will be made retroactive is a separate determination the Commission typically makes at a later vote.

## UNDERSTANDING THIS STORY

### BEFORE INCARCERATION

#### **If you are facing sentencing in 2026**

If your sentencing is scheduled in the second half of 2026, ask your attorney whether the 2026 amendments take effect before your sentencing date. Absent congressional disapproval, USSC amendments typically take effect on November 1 of the year promulgated. If your offense conduct or count structure intersects with any of the five amendment areas — drug quantity, multiple-count grouping, fraud loss amounts (inflation adjustment), eligibility for non-prison alternatives, or simplified guideline provisions — the calculation in your PSR may change.

Review the PSR carefully when it is disclosed. The probation officer is required to disclose the PSR to defense counsel under Fed. R. Crim. P. 32; objections must be filed within 14 days. If the PSR uses the pre-amendment version of the Guidelines and your sentencing falls after November 1, raise that with counsel — sentencing courts apply the Guidelines in effect on the date of sentencing unless that version would violate the Ex Post Facto Clause.

## DURING INCARCERATION

### If you are currently serving a federal sentence

Sentence-reduction motions under 18 U.S.C. § 3582(c)(2) are available only when the Commission affirmatively designates an amendment as retroactive and lists it in USSG § 1B1.10(d). The 2026 package's retroactivity status has not been decided as of this issue. The Commission typically votes on retroactivity in a separate proceeding, often months after promulgation.

If you are serving a drug sentence, a sentence calculated with multiple-count grouping issues, or a fraud sentence where loss amount drove the offense level, ask your case manager or a legal-aid organization to flag your case for review if and when the Commission designates any 2026 amendment retroactive. Keep a copy of your PSR and judgment in your personal property; § 3582(c)(2) motions require the original guideline calculations.

## FAMILY, FRIENDS & ADVOCATES

### For families tracking sentencing developments

The Commission's 'Amendments In Brief' documents are short — usually one to two pages — and written in plainer English than the full guideline text. They are a reasonable starting point for understanding what changed. Each is linked in the sources below.

If your loved one's sentence might be affected, the most useful thing you can do is preserve documents: the PSR, the judgment (J&C), the sentencing transcript if available, and any plea agreement. These will be the working papers for any future § 3582(c)(2) motion. The federal defender office in the sentencing district will, in many districts, screen cases for retroactivity eligibility once the Commission makes that determination.

## ATTORNEYS & PRISON OFFICIALS

### For attorneys

The Commission's 2026 work also intersects with a Supreme Court case the Court added to its docket recently. According to LISA Newsletter, the Court has granted certiorari in a Guidelines-related case that may affect how lower courts treat post-Booker advisory ranges in resentencing proceedings. Practitioners with pending § 3582(c)(2) motions or appeals raising guideline-calculation issues should monitor the docket; the case is set for argument in the Court's upcoming term.

For active cases, the Inflationary Adjustment Amendment is particularly worth flagging: it adjusts the dollar thresholds in §§ 2B1.1, 2B5.1, and related guidelines, which can shift the offense level for fraud and theft cases that sit near a threshold. The Multiple Counts Amendment alters § 3D1.2 grouping rules in ways that may reduce combined offense levels in some multi-count indictments.

## POLICY AND REGULATORY REFERENCES

The Sentencing Commission's authority to promulgate amendments derives from 28 U.S.C. § 994. Amendments submitted to Congress on May 1 of a given year take effect on November 1 of that year unless Congress acts to disapprove them (28 U.S.C. § 994(p)). Retroactivity is governed by 18 U.S.C. § 3582(c)(2), which permits a sentence reduction 'in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the

Sentencing Commission,' provided the reduction is consistent with the Commission's policy statement at USSG § 1B1.10. Section 1B1.10(d) lists the specific amendments designated retroactive. The substantive 2026 amendments — Drug Offenses, Multiple Counts, Sentencing Options, Inflationary Adjustment, and Simplification — are described in the Commission's 'Amendments In Brief' documents linked in sources. Because federal guidelines are advisory under *United States v. Booker*, 543 U.S. 220 (2005), even non-retroactive amendments can be raised as a basis for variance arguments at original sentencing or in policy-statement-based motions where applicable.

#### ACTION ITEMS THIS WEEK

- Request a current copy of your PSR (Presentence Investigation Report) and judgment if you do not already have them; case managers can usually facilitate this through the inmate's central file.
- Identify which 2026 amendment area, if any, applies to your case: drug calculation (§ 2D1.1), multi-count grouping (§ 3D1.2), fraud/theft loss thresholds (§ 2B1.1), or sentencing options.
- Defendants approaching sentencing should ask counsel whether sentencing should be timed before or after November 1, 2026 (the effective date for the 2026 package, absent congressional disapproval), and what version the probation officer is applying.
- For sentenced individuals, do not file a § 3582(c)(2) motion before the Commission acts on retroactivity; premature motions are routinely denied and can complicate later filings.
- Read the USSC 'Amendments In Brief' for the specific amendment that applies to you — links are in the sources below.
- Attorneys: docket the Supreme Court's pending Guidelines case (granted certiorari in spring 2026 per LISA reporting) and consider preservation of guideline-calculation issues in pending appeals.

#### SOURCES

2026 Drug Offenses Amendment — *U.S. Sentencing Commission*

2026 Multiple Counts Amendment — *U.S. Sentencing Commission*

2026 Sentencing Options Amendment — *U.S. Sentencing Commission*

2026 Inflationary Adjustment Amendment — *U.S. Sentencing Commission*

2026 Simplification Amendment — *U.S. Sentencing Commission*

SCOTUS Adds Guidelines Case to Docket — Update for April 30, 2026 — *LISA Newsletter (Legal Information Services Associates)*

## 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.*

## Investigations of sexual abuse complaints in federal custody

### PATTERN

The Government Accountability Office (GAO) released a report this month finding that sexual-abuse complaints involving Bureau of Prisons staff and incarcerated people frequently remain unresolved due to investigative deficiencies — including delayed referrals, gaps in evidence preservation, and inconsistent application of the Prison Rape Elimination Act (PREA) standards across institutions. LISA Newsletter summarized the GAO findings and the BOP's response.

The pattern is not isolated to a single facility. The GAO's review covered multiple institutions and identified recurring categories of investigative failure rather than localized incidents. Reporting in the news cycle this week paired the GAO findings with congressional correspondence demanding follow-up action.

### WHAT FAMILIES AND DEFENDANTS CAN DO

Incarcerated people who experience or witness sexual abuse have specific rights and reporting channels under PREA (42 U.S.C. §§ 15601–15609) and BOP Program Statement 5324.12. Reports can be made to any staff member, to the BOP's Office of Internal Affairs, to the DOJ Office of the Inspector General ([oig.justice.gov](http://oig.justice.gov), 1-800-869-4499), or to an outside rape crisis hotline through a free PREA-designated phone line. Family members can also report on behalf of a loved one to the OIG. Preservation matters: contemporaneous notes, the names and badge numbers of staff present, and any medical-services request slips (BP-A0532) become evidence. Where retaliation is feared, the OIG accepts confidential complaints. Where complaints are not advancing internally, congressional oversight offices (your representative's casework staff) can request status updates and have, in past cases, accelerated review.

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### SOURCES

GAO Says 'Heinous Crimes Haunting Federal Prisons' — Update for May 11, 2026 — *LISA Newsletter (Legal Information Services Associates)*

The Heinous Crimes Haunting Federal Prisons — Rape and Sexual Abuse — *U.S. Government Accountability Office*

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## Divergence between BOP internal rules and circuit court rulings on FSA implementation

### PATTERN

Multiple recent rulings reported by LISA Newsletter show federal courts of appeals diverging from BOP's interpretation of First Step Act provisions — most prominently on whether ETCs accrue before designation, but also on related questions of eligibility and credit application. The post-Loper Bright legal environment has produced more frequent and more searching judicial review of BOP's FSA rules.

The practical consequence is that the rule applied to a given person's sentence depends increasingly on the circuit in which they are confined. Two people convicted of similar offenses, with similar pre-designation programming, may receive different ETC calculations depending on facility location.

### WHAT FAMILIES AND DEFENDANTS CAN DO

If your FSA Time Credit Assessment seems incorrect — whether because pre-designation time was excluded, programming was not credited, or eligibility determinations seem inconsistent with the statute — the path is: (1) request a written FSA assessment from the unit team; (2) file a BP-8 (informal resolution) followed by BP-9 (warden), BP-10 (regional director), and BP-11 (general counsel) under 28 C.F.R. §§ 542.13–15; (3) after exhaustion, consider a habeas petition under 28 U.S.C. § 2241 in the district of confinement, ideally with counsel. The applicable case law will be the circuit in which the facility sits, not the sentencing circuit. Federal defender offices, the Federal Public & Community Defenders' habeas resources, and law school post-conviction clinics are common referral points where private counsel is unavailable.

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### SOURCES

Circuit Courts Tend to Get in Line — Update for May 14, 2026 — *LISA Newsletter (Legal Information Services Associates)*

Loper Bright May Be Coming for BOP Time Credit Rules — Update for April 28, 2026 — *LISA Newsletter (Legal Information Services Associates)*

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## BOP Operations

### Death at FCI Sheridan

*BOP Press Release · 2026-05-06*

The Bureau of Prisons announced the death of an incarcerated person at FCI Sheridan, a medium-security federal correctional institution in Oregon. BOP press releases of this type typically identify the decedent and confirm that notification of next of kin has occurred; the FBI and the U.S. Attorney's Office are notified per standard protocol. Family members of incarcerated people at FCI Sheridan or any BOP facility who have concerns about a loved one's welfare can contact the institution's chaplain or duty officer; in the event of a death, BOP policy requires next-of-kin notification and the family may request the autopsy report and an incident summary.

## **Federal Bureau of Prisons Selects Leo Technologies for Five-Year, \$106 Million Contract**

*Correctional News · 2026-05-14*

BOP awarded a five-year, \$106 million contract to Leo Technologies for voice-analytics and monitoring of inmate telephone communications. Inmate calls placed through TRULINCS-affiliated telephone systems are already subject to recording and monitoring; the new contract appears to expand automated analytic capability. Incarcerated people and their families should continue to assume that all non-attorney calls are recorded and may be reviewed. Privileged attorney calls must be set up in advance through the legal office and are not subject to monitoring when properly designated.

## **FCI Schuylkill Inmate Indicted for Possession of Weapon**

*Pottsville Republican Herald · 2026-05-14*

An incarcerated person at FCI Schuylkill, a medium-security federal facility in Pennsylvania, has been indicted on a federal charge of possession of a weapon by an incarcerated person under 18 U.S.C. § 1791. Such charges carry a new federal sentence that typically runs consecutively to the existing sentence. Incarcerated people facing institutional charges should be aware that a Special Investigative Services (SIS) referral can lead to both administrative discipline (incident reports under Program Statement 5270.09) and a separate federal prosecution; counsel should be requested as soon as the matter is referred to outside authorities.

## **Inside the BOP's National Gang Unit (Transparency Talks podcast)**

*Bureau of Prisons · 2026-05-14*

BOP released a podcast episode on its National Gang Unit, which monitors and classifies security threat group (STG) affiliations across the federal prison population. STG designations affect housing assignments, transfer decisions, and PATTERN risk-assessment context. Incarcerated people who believe they have been incorrectly identified as having a gang affiliation can request review through their unit team and, if denied, through the administrative remedy process; misclassification can affect program eligibility and custody level.

## **Sentencing & Courts**

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### **Supreme Court Rebuffs DOJ on Felon-In-Possession Review — Update for May 4, 2026**

*LISA Newsletter (Legal Information Services Associates) · 2026-05-04*

The Supreme Court declined to take up a Department of Justice petition seeking review in a felon-in-possession case under 18 U.S.C. § 922(g)(1) — the federal statute prohibiting firearm possession by anyone with a prior felony conviction. A separate § 922(g) case, *United States v. Hemani*, remains pending before the Court. People with § 922(g) convictions, particularly those whose underlying felony was non-violent, should consult counsel about preservation of Second Amendment as-applied challenges in light of the post-Bruen and post-Rahimi landscape.

## **No Sentencing in Advance, Sixth Circuit Says — Update for May 12, 2026**

*LISA Newsletter (Legal Information Services Associates) · 2026-05-12*

The Sixth Circuit rejected an arrangement in which a district court attempted to specify, before a supervised-release violation occurred, what the consequence would be. The ruling reinforces that revocation sentencing under 18 U.S.C. § 3583(e) must be conducted at the time of the violation, on the record, with the procedural protections of Fed. R. Crim. P. 32.1. People on supervised release facing potential violations should not rely on informal pre-arranged outcomes and should request counsel at any revocation hearing.

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## **Disparity is Gross But So What? — Update for April 27, 2026**

*LISA Newsletter (Legal Information Services Associates) · 2026-04-27*

LISA's coverage addresses how courts treat 'gross disparity' arguments in compassionate-release and § 3582(c)(1)(A) motions — specifically, when a sentence handed down decades ago would be substantially lower under current law. Some circuits permit such disparity to be considered as an 'extraordinary and compelling' reason for sentence reduction under USSG § 1B1.13; others do not. Petitioners should research their circuit's position before filing.

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## **We Must Have Imagined It — Update for May 8, 2026**

*LISA Newsletter (Legal Information Services Associates) · 2026-05-08*

LISA addresses the recurring problem of court filings drafted using artificial intelligence tools that produce fabricated case citations. Multiple courts have sanctioned attorneys and pro se litigants for filing briefs containing non-existent cases or quotations. Anyone preparing pro se filings — particularly habeas petitions, compassionate-release motions, or § 2255 motions — should verify every citation against an authoritative source (e.g., a law library's Westlaw or Lexis terminal, the court's PACER docket, or printed reporters). Some courts now require an affirmative certification that no fabricated AI content was used.

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## **Policy & Legislation**

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### **Bureau of Prisons Declines to Reconsider Transgender Inmate Policy**

*Washington Blade · 2026-05-14*

BOP confirmed it will not reconsider its current policy on housing and medical care for transgender people in federal custody. Members of Congress have separately demanded the agency reverse aspects of the policy, including limits on gender-affirming care. Transgender people in BOP custody can request individualized review of housing assignments under the BOP's Transgender Offender Manual procedures; denials are reviewable through the administrative remedy process. Outside organizations including the Transgender Law Center and Lambda Legal accept intake from incarcerated people.

## **Markey Demands BOP Reverse Ban on Gender-Affirming Care**

*New Bedford Guide · 2026-05-12*

Senator Edward Markey (D-Mass.) and other Democratic members sent correspondence to BOP demanding reversal of restrictions on gender-affirming medical care for transgender people in custody. Congressional oversight letters are not self-executing; they can, however, prompt agency responses and serve as a basis for follow-up hearings or appropriations conditions. Affected incarcerated people and families can document care denials and refer them to the senders' offices.

## **2026 Correctional Workers' Week Memorial Service**

*Bureau of Prisons · 2026-05-05*

BOP held its annual memorial service for correctional workers during National Correctional Workers' Week. The agency confirmed continued staffing pressures across the system in remarks delivered at the event. Family members who interact regularly with case managers, counselors, and unit staff should expect periodic schedule disruptions around BOP-recognized events; non-emergency administrative matters (calls, package processing, visit confirmations) can be delayed.

## **Reentry & Halfway House**

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### **Reforming Mass Incarceration Relies on Halfway Houses. Kansas Needs More.**

*Kansas City Star · 2026-05-14*

Coverage notes continued limited Residential Reentry Center (RRC, or 'halfway house') capacity in several BOP regions, including Kansas. RRC placement is governed by 18 U.S.C. § 3624(c) and BOP Program Statement 7310.04; eligible incarcerated people can receive up to 12 months of RRC time, with FSA prerelease custody credits potentially extending the window. Where capacity is constrained, BOP may substitute home confinement under § 3624(c)(2). People approaching their projected release date should ask their case manager for their RRC referral status no later than 17–19 months before projected release.

### **Prison Reform Has Become a Conservative Initiative**

*Forbes · 2026-05-11*

Commentary in Forbes reviews the political coalition that has supported sentencing and prison reform legislation in recent years, including the First Step Act. The piece is opinion-section content and does not announce new policy; readers tracking federal legislative developments can use it as background context for pending bills in the current Congress.

#### PRACTICAL TIP

### This week's practical step: Document pre-designation programming now

With circuit courts increasingly willing to credit programming completed before BOP designation toward First Step Act Earned Time Credits, the single most useful action a defendant, family member, or attorney can take this week is to assemble and preserve documentation of any classes, programs, or productive activities completed in pretrial custody — county jail, U.S. Marshals contract facilities, or private detention. Request, in writing, a complete programming history from the facility's records office. Save certificates of completion. Ask program instructors for signed letters identifying the curriculum, hours, and dates. If you are still in pretrial detention, keep a running log with dates, program names, instructor names, and hours attended.

Whether your circuit currently recognizes pre-designation ETC accrual or not, the documentation is the same. If the law in your circuit changes — or if the Supreme Court resolves the question nationally — only those with documentation will be able to act on it quickly. Without records, an otherwise meritorious recalculation request will fail at the unit-team stage.

*Inside Out will continue tracking the FSA pre-designation credit question across the circuits, the Supreme Court's pending Guidelines and § 922(g) cases, and the implementation of the 2026 Sentencing Commission amendment package. Readers who need further assistance navigating a specific federal-prison matter can reach [DrPrison.org](http://DrPrison.org) at [help@drprison.org](mailto: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](http://DrPrison.org) directly at [help@drprison.org](mailto:help@drprison.org). Inside Out is a free service; no subscription required.

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