INSIDE OUT
A biweekly briefing on the federal prison system for families, defendants, and advocates

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Inside Out — October 16, 2026: Five Custody Deaths in Two Weeks, Union Reinstatement in Flux, and the Supreme Court Returns to the Guidelines

This issue covers the period from October 2 through October 16, 2026. Three themes dominate the briefing. First, the Federal Bureau of Prisons (BOP) issued five custody-related press releases in a two-week stretch — four deaths across USP Beaumont, USP Pollock, FCI Atlanta, and USP Coleman II, plus an incident at FCI Fairton — all of which have direct implications for how families verify information and request records. Second, the labor dispute between the BOP and the American Federation of Government Employees (AFGE) Council of Prison Locals 33 has escalated: a federal district court ordered the agency to restore union representation for roughly 30,000 BOP employees, and the agency has since moved to re-terminate the contract and seek further appellate review. Third, the Supreme Court's October Term 2026 opened with oral argument in a case concerning the deference federal courts give to the U.S. Sentencing Commission's commentary on its Guidelines, alongside a separate ruling that has placed at least one First Step Act beneficiary at risk of returning to custody after 13 years at liberty.

Also in this issue: a continuing dispute over the BOP's transgender-care policy now pending before the Supreme Court on a stay application; a federal district court ruling allowing a Muslim woman's hijab-related civil rights claim against the BOP to proceed; a reminder on U.S. Sentencing Guideline § 5G1.3 and concurrent federal sentences; the first federal Kairos Inside program at FCI Coleman Low; and halfway-house timing coverage prompted by a widely reported transfer schedule for a high-profile defendant.

The practical tip this issue addresses Thanksgiving visitation planning, which readers should begin now rather than closer to the holiday. Readers who need help acting on any of this information can contact DrPrison.org at help@drprison.org.

THIS WEEK'S LEAD

Four Deaths and One Incident Across Five Federal Facilities in Two Weeks: What Families Can Request and How

Theme: deaths and incidents in custody / family notification and records

Between October 2 and October 15, the BOP's Office of Public Affairs issued five press releases reporting custody events: deaths of adults in custody at USP Beaumont (reported October 5), USP Pollock (October 8), FCI Atlanta (October 8), and USP Coleman II (October 13), plus an unspecified 'incident' at FCI Fairton (October 14). 'USP' designates a United States Penitentiary, the BOP's high-security tier; 'FCI' designates a Federal Correctional Institution, generally low- or medium-security. BOP press releases of this kind are brief by design — they typically identify the facility, the person's name and age, the date, and whether the FBI and the local U.S. Attorney's Office have been notified. They do not disclose cause of death, and the agency's investigative file is not released until the review process is complete.

For families, the gap between the public press release and the fuller factual record is the operational issue. Under BOP Program Statement 5553.08 (Escapes/Deaths Notification) and the agency's internal mortality review procedures, each in-custody death triggers an administrative review by the agency's Office of Internal Affairs, a mortality review by BOP Health Services, and — where circumstances warrant — a referral to the FBI and the Department of Justice Office of the Inspector General (DOJ-OIG). None of these documents is automatically shared with next of kin. Families generally receive them only through a Freedom of Information Act (FOIA) request, a Privacy Act release, or civil discovery if litigation follows.

This cluster of releases comes against the backdrop of the DOJ-OIG's ongoing work on in-custody mortality under 34 U.S.C. § 60105 (the Death in Custody Reporting Act), which requires federal law enforcement agencies to report deaths in custody to the Attorney General. The data flow from BOP press release to OIG reporting to any public accountability is slow, and families should assume they will need to act affirmatively to obtain records.

UNDERSTANDING THIS STORY

Family, friends & advocates
What to request, and from whom, in the first 30 days

If a family has lost a loved one in BOP custody — or needs to verify what happened in a reported 'incident' — the first calls are to the facility's Chaplain's Office and the Warden's secretary, both of which can confirm whether the person is deceased, hospitalized, or in a Special Housing Unit (SHU, the BOP's segregated housing). Request the name and direct line of the Associate Warden assigned to death notifications and ask whether the Regional Office has designated a point of contact for the family.

Within the first two weeks, families should submit a written FOIA/Privacy Act request to the BOP for: (1) the complete central file and medical file of the decedent, (2) the SENTRY computation and housing history, (3) all incident reports involving the decedent in the 90 days prior to death, (4) any administrative remedy filings submitted by the decedent in the preceding 12 months, and (5) the mortality review report when complete. Requests go to the BOP's FOIA/Privacy Act Section at 320 First Street NW, Washington, DC 20534, or electronically through foiaonline.gov. A separate FOIA request should go to DOJ-OIG at oig.foia@usdoj.gov asking for any investigative materials associated with the decedent's facility and date.

Separately, families should preserve their own records: copies of all CorrLinks or TRULINCS emails (the BOP's electronic messaging system), phone-call logs, visitation records, and any correspondence describing medical complaints, safety concerns, or threats. If civil counsel becomes involved, these are often the most contemporaneous evidence available.

During incarceration

If you are housed at one of these facilities

People currently in custody at USP Beaumont, USP Pollock, FCI Atlanta, USP Coleman II, or FCI Fairton may experience operational effects following a death or incident: temporary lockdowns, modified movement, suspended visitation, delayed mail, and interruptions to programming count toward First Step Act Earned Time Credits (FSA ETCs). None of those interruptions, by itself, undoes credit already earned, but it can delay credit accrual.

If programming is suspended, document the dates in writing to your Case Manager and request that your Individualized Needs Plan (the FSA document that tracks programming) reflect the facility-driven interruption. If your Unit Team cannot restart your assigned programming within a reasonable period, the escalation path is the informal resolution process (BP-8) followed by the formal administrative remedy (BP-9) under 28 C.F.R. §§ 542.10–.19.

Attorneys & prison officials

Preservation letters and parallel-track discovery

Counsel representing a decedent's estate or a person injured in a custody incident should send a litigation hold letter to the BOP General Counsel's Office and to the Warden of the facility within the first 10 days, specifically naming: video and audio recordings (which are typically overwritten on short retention cycles, often 30 to 90 days), post orders, staff rosters and overtime logs for the shift in question, use-of-force reports, SHU logs, and medical treatment records. Cite 36 C.F.R. § 1230.3 (federal records destruction prohibitions when records are subject to anticipated litigation) and request written confirmation of the hold.

Parallel FOIA requests to the BOP, DOJ-OIG, and — where state or local law enforcement responded — the local sheriff and coroner should go out immediately. For wrongful death and Eighth Amendment claims, the Federal Tort Claims Act (28 U.S.C. §§ 2671–2680) requires an administrative claim (Standard Form 95) to the BOP Regional Counsel before suit, with a two-year statute of limitations from the date of the incident.

POLICY & REGULATORY REFERENCES

The notification framework for custody deaths derives from BOP Program Statement 5553.08 (Escapes/ Deaths Notification), which instructs the Warden to notify the person listed as next of kin in the central file as soon as practicable. The data-reporting requirement sits in the Death in Custody Reporting Act, 34 U.S.C. § 60105, which obligates federal agencies to report in-custody deaths to the Attorney General on a quarterly basis; DOJ-OIG publishes aggregated analyses. Mortality reviews are governed by BOP Program Statement 6031.04 (Patient Care) and are internal clinical documents, not public records, though they are producible through FOIA with redactions.

FOIA itself (5 U.S.C. § 552) sets a 20-business-day response window, routinely missed; the Privacy Act (5 U.S.C. § 552a) provides parallel access rights for the decedent's own records to next of kin acting as representatives, though the BOP typically requires proof of representative status (letters of administration or an equivalent court appointment). Where civil litigation is contemplated, the Federal Tort Claims Act's administrative-claim prerequisite (28 U.S.C. § 2675) must be satisfied before suit; the SF-95 claim form is filed with the BOP Regional Counsel for the region where the incident occurred.

For the person in custody affected by lockdown or program suspension, the administrative remedy framework at 28 C.F.R. §§ 542.10–.19 provides the mechanism to document that First Step Act programming was interrupted for institutional reasons rather than for refusal to participate — a distinction that matters for ETC accrual under 18 U.S.C. § 3632(d)(4).

ACTION ITEMS THIS WEEK

- If notified of a death: within 72 hours, write down the names, titles, and phone numbers of every BOP official who has contacted you, and ask in writing for the Warden's point-of-contact letter for the family.
- Submit a FOIA/Privacy Act request to the BOP (foiaonline.gov) for the decedent's complete central file, medical file, SENTRY history, incident reports (prior 90 days), and administrative remedy filings (prior 12 months). Mark the request 'death-in-custody; expedited handling requested.'
- Send a parallel FOIA request to DOJ-OIG at oig.foia@usdoj.gov for any investigative materials related to the facility and date.
- Preserve all CorrLinks/TRULINCS emails, phone-call recordings, and visitation logs. Do not delete anything that references medical complaints, SHU placement, or safety concerns.
- If civil counsel is engaged, direct counsel to send a litigation-hold letter to BOP General Counsel and the facility Warden within 10 days, specifically naming video/audio, post orders, and use-of-force records.
- If you are in custody at an affected facility and programming is suspended: write to your Case Manager documenting the dates and ask that your Individualized Needs Plan reflect a facility-driven interruption, not a refusal, so FSA ETC accrual is preserved.

SOURCES

- Death at USP Beaumont — Federal Bureau of Prisons
- Death at USP Pollock — Federal Bureau of Prisons
- Death at FCI Atlanta — Federal Bureau of Prisons
- Death at USP Coleman II — Federal Bureau of Prisons
- Incident at FCI Fairton — Federal Bureau of Prisons

DEEP DIVE 2

Court Orders Reinstatement of BOP Union Contract; Agency Moves to Re-Terminate

Theme: labor / BOP operations / staffing

On September 25, 2026, U.S. District Judge Vernon D. Oliver (D. Conn.) ordered the BOP to immediately restore union protections for approximately 30,000 BOP employees represented by the AFGE Council of Prison Locals 33. The order followed the agency's earlier termination of the collective bargaining agreement in connection with a March 2025 executive order addressing collective bargaining at national-security-adjacent agencies. According to subsequent reporting by LISA Newsletter (Legal Information Services Associates) and labor-side coverage from AFGE and GovExec, the BOP in early- to mid-October moved to re-terminate the contract on an alternative legal theory, prompting further motions practice in the district court and preparation for appellate review.

For families and for people in custody, this dispute is not primarily about labor politics; it is about operational conditions. Under the union contract, line staff have grievance procedures, defined post coverage rules, and overtime structures that affect how shifts are filled. When the contract is in flux, so are the mechanisms for resolving staffing disputes — which in turn affects whether housing units are properly staffed, whether programming runs on schedule, and whether SHU reviews happen on time.

The case is in active litigation and the operational posture of the agency may shift again before this issue reaches readers. The practical frame below is written to be useful under either scenario — contract in force, or contract terminated — because the underlying statutory and regulatory protections for people in custody do not change with the union's status.

UNDERSTANDING THIS STORY

During incarceration

What changes for you, and what does not

The constitutional and statutory protections governing conditions of confinement do not depend on whether BOP line staff are represented by a union. The Eighth Amendment, the First Step Act, BOP Program Statements, and 28 C.F.R. remain enforceable regardless. What may shift are informal operational norms: how quickly staff respond to cop-out requests (BP-A0148), how predictably count times run, how regularly recreation and law library hours are honored, and how quickly SHU reviews occur.

If you observe sustained changes in daily operations — missed rec, missed law library, interrupted programming, delayed medical call-outs — document the dates and times in writing and submit them through the informal resolution process (BP-8) before the deadline for a BP-9 (within 20 calendar days of the triggering event under 28 C.F.R. § 542.14). Timely filings preserve your rights regardless of the labor dispute's outcome.

Family, friends & advocates

Monitoring facility conditions from outside

If your loved one reports staffing-related disruptions — rolling lockdowns, suspended visitation, canceled programming — ask them to document the dates in writing to the Unit Team and send you copies via CorrLinks/TRULINCS. Keep those messages. If a pattern develops, you can escalate to the Regional Office for the facility (contact information at bop.gov/locations) and, if warranted, to your Member of Congress's casework office, which can submit a congressional inquiry to the BOP's Office of Legislative Affairs.

Congressional inquiries do not override BOP policy, but they typically produce a written response from the agency within 30 to 60 days that creates a documentary record useful for later administrative remedies, FOIA requests, or litigation.

Attorneys & prison officials

Practical consequences for case advocacy

For counsel representing clients inside, the practical consequence of staffing turbulence is more missed calls, more cancelled legal visits, and more delays in getting documents moved through institutional mailrooms. Build those risks into case scheduling and establish redundant contact paths: unprivileged legal mail (treated under 28 C.F.R. § 540.19), legal video visits where available, and TRULINCS messaging for non-privileged logistics.

For administrative remedies, the labor dispute does not alter the response timelines in 28 C.F.R. § 542.18 (20 calendar days at the institution level, extendable by 20 days; 30 days at the Regional Office, extendable by 30; 40 days at the Central Office, extendable by 20). Where responses are overdue, the regulation deems silence a denial and permits appeal to the next level, which clients should be encouraged to use rather than wait indefinitely.

POLICY & REGULATORY REFERENCES

Federal-sector collective bargaining is governed by the Federal Service Labor-Management Relations Statute, 5 U.S.C. §§ 7101–7135. The president's authority to exclude certain agencies or subdivisions from coverage on national-security grounds sits in 5 U.S.C. § 7103(b), which is the provision at the center of the current dispute. The reinstatement order from Judge Oliver (D. Conn.) is in that posture. LISA Newsletter (Legal Information Services Associates) has tracked the case closely; readers interested in the primary materials should consult the underlying district court docket.

For people in custody, the operational framework is unchanged: BOP Program Statement 5270.11 (Special Housing Units) governs SHU placement and review timing; PS 5330.11 (Psychology Services Manual) and the FSA Approved Programs Guide govern programming assignments and ETC-eligibility; PS 5264.08

governs inmate telephone regulations; and 28 C.F.R. §§ 542.10–.19 govern administrative remedies. None of these shifts with the union's status, which is the point to document in grievances if staffing is cited as the reason for a lapse in required operations.

ACTION ITEMS THIS WEEK

- Keep a dated log of any staffing-related operational disruptions (lockdowns, cancelled visits, missed programming) and send summaries to family via TRULINCS so there is a contemporaneous outside record.
- File a BP-8 informal resolution within 20 days of any specific lapse (missed SHU review, programming interruption, denied call-out). Preserve the ability to escalate to BP-9, BP-10, and BP-11 if needed.
- For families: if a pattern emerges, submit a congressional inquiry through your Representative's casework office — most district offices accept inquiries by online form, and the resulting BOP response creates a usable record.
- Counsel: build redundancy into client contact (legal mail, video visits, TRULINCS logistics) and treat the standard 28 C.F.R. § 542.18 timelines as hard deadlines; file at the next level when the agency is silent.
- Monitor the LISA Newsletter and the underlying D. Conn. docket for appellate rulings; operational posture may change on short notice.

SOURCES

- BOP Is 'Union Strong' Again — Update for October 5, 2026 — LISA Newsletter (Legal Information Services Associates)
- More than One Way to Skin a Union Cat — Update for October 15, 2026 — LISA Newsletter (Legal Information Services Associates)
- Bureau of Prisons re-terminates union contracts despite court order — GovExec.com
- Bureau of Prisons Terminates Union Contract Despite Court Order Mandating Reinstatement — AFGE

DEEP DIVE 3

October Term 2026 Opens: Sentencing Commission Deference Argued, First Step Act Beneficiary Faces Return to Custody

Theme: Supreme Court / Sentencing Guidelines / First Step Act

The Supreme Court's October Term 2026 opened last week with argument in a case addressing how much deference federal courts owe to the U.S. Sentencing Commission's commentary when that commentary interprets the Guidelines text. Reporting from SCOTUSblog, Bloomberg Law, Law.com, Courthouse News, and Balls and Strikes indicates that a majority of the justices appeared disinclined to apply the Court's recent administrative-law overhaul (which cut back deference to agency interpretations in Loper Bright Enterprises v. Raimondo) to the Sentencing Commission, which the Court has historically treated as a sui generis body under 28 U.S.C. § 991. If the Court holds to that line, the long-standing framework from Stinson v. United States (1993) — under which Guidelines commentary is binding unless it violates the Constitution or a federal statute, or is plainly inconsistent with the Guideline it interprets — would remain largely intact.

Separately, a Supreme Court ruling issued earlier this term in a First Step Act (FSA) retroactivity case has put at least one Tennessee man, released approximately 13 years ago under § 404 of the FSA (which made Fair Sentencing Act crack-cocaine reductions retroactive), at risk of returning to federal custody to serve the balance of his original sentence. Coverage from the Associated Press, The Independent, Davis Vanguard, and AOL frames this as a direct consequence of the Court's narrower reading of § 404's reach. LISA Newsletter has published analysis contextualizing both developments.

For readers, these developments cut in different directions. The sentencing-deference argument, if resolved consistent with the justices' questioning, preserves predictability in Guidelines litigation. The First Step Act ruling narrows the retroactive relief available under § 404 and may affect pending § 2255 motions and compassionate release petitions that rely on crack-cocaine disparity arguments.

UNDERSTANDING THIS STORY

Before incarceration

If you are pre-sentence or awaiting designation

If your Presentence Investigation Report (PSR) relies on an interpretation of the Guidelines that depends on Commission commentary — for example, specific-offense characteristic enhancements under § 2B1.1, drug-equivalency tables in § 2D1.1, or the career-offender definition in § 4B1.2 — the Court's eventual decision in the deference case may affect how your sentencing judge weighs that commentary. Counsel should preserve objections to commentary-driven enhancements under Rule 32 of the Federal Rules of Criminal Procedure and consider whether to request that sentencing be continued pending the Supreme Court's ruling, which is expected before the end of the term in June 2027.

If your case involves a crack-cocaine offense, discuss with counsel whether the First Step Act § 404 ruling affects any pending motion for a reduced sentence. The ruling's effect on prospective sentencings (as opposed to retroactive relief) is more limited, but the analysis is case-specific.

During incarceration

If your sentence relied on First Step Act § 404 relief

If you were resentenced under § 404 of the First Step Act — the provision that applied Fair Sentencing Act crack-cocaine thresholds retroactively — ask your counsel to review the Supreme Court ruling against the specific procedural history of your case. The population at risk appears to be narrow and defined by particular procedural postures (how the resentencing was conducted, what the original statutory range was, and whether the government preserved objections). Not every § 404 beneficiary is affected.

If you believe your case may be implicated, do not wait for the government to act. Have counsel review the docket and, if appropriate, prepare a defensive filing. If you do not have counsel, the Federal Defender's office for the district of conviction is the first point of contact. If no Federal Defender is available, request appointment of counsel under the Criminal Justice Act (18 U.S.C. § 3006A) through the district court.

Attorneys & prison officials

Litigation posture

On the deference question, the Court's questioning suggested that Stinson v. United States, 508 U.S. 36 (1993), is likely to survive, with Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024), confined to Executive Branch agency interpretations. Counsel litigating commentary-driven enhancements should continue to preserve both the Stinson framework and, in the alternative, the Loper Bright framework, pending the opinion.

On the First Step Act § 404 question, counsel should audit active caseloads for clients resentenced under § 404 whose original statutory ranges have become materially relevant again. Compassionate release under 18 U.S.C. § 3582(c)(1)(A), with the amended Policy Statement at USSG § 1B1.13 now including 'unusually long sentences' as a potential extraordinary and compelling reason (§ 1B1.13(b)(6)), remains an alternative avenue where the § 404 pathway narrows.

Family, friends & advocates

What to watch and what not to assume

News coverage of Supreme Court rulings often implies broader effects than the rulings actually produce. The First Step Act § 404 ruling does not automatically return anyone to custody; the government must take affirmative steps, and defense counsel can respond. If your loved one was resentenced under § 404, ask counsel for a written assessment of risk specific to the case. Do not act on general news summaries alone.

The sentencing-deference argument, if resolved as the justices' questioning suggests, is likely to preserve the current framework and will not materially change the shape of federal sentencing. Monitor LISA Newsletter and SCOTUSblog for the opinion when issued.

POLICY & REGULATORY REFERENCES

The Sentencing Commission's commentary authority derives from 28 U.S.C. § 994(a) and (p). Stinson v. United States, 508 U.S. 36 (1993), established that Guidelines commentary is authoritative unless it violates

the Constitution or a federal statute, or is plainly inconsistent with — or a plainly erroneous reading of — the Guideline it interprets. Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024), overruled Chevron deference for Executive Branch agency interpretations; the question before the Court this term is whether Loper Bright extends to the Sentencing Commission, an independent commission within the judicial branch (28 U.S.C. § 991(a)).

Section 404 of the First Step Act of 2018 (Pub. L. 115-391) made §§ 2 and 3 of the Fair Sentencing Act of 2010 (Pub. L. 111-220, which reduced the crack-to-powder cocaine disparity) retroactive, allowing resentencing of defendants whose covered offenses were committed before August 3, 2010. The Supreme Court's recent ruling narrows the scope of relief available under § 404; counsel should consult the opinion directly rather than summaries.

Compassionate release remains available under 18 U.S.C. § 3582(c)(1)(A)(i), and the Sentencing Commission's 2023 amendment to USSG § 1B1.13 added, at § 1B1.13(b)(6), 'unusually long sentences' as a potential extraordinary and compelling reason where a change in law would produce a gross disparity and the defendant has served at least 10 years. That pathway exists independently of § 404.

ACTION ITEMS THIS WEEK

- If pre-sentence: discuss with counsel whether to preserve objections to commentary-driven Guideline enhancements and whether to request a continuance pending the Supreme Court's deference ruling.
- If resentenced under First Step Act § 404: ask counsel for a written risk assessment specific to your case's procedural history. If you do not have counsel, contact the Federal Defender for your district of conviction.
- If you have a § 2255 motion or a 3582(c)(1)(A) motion pending that relies on crack-cocaine disparity arguments, consult counsel about whether supplemental briefing is warranted.
- Counsel: audit active § 404 caseloads; preserve both Stinson and Loper Bright framings on commentary-driven enhancements; evaluate § 1B1.13(b)(6) 'unusually long sentences' as an alternative pathway where § 404 narrows.
- Families: monitor LISA Newsletter and SCOTUSblog for opinion issuance (expected before June 2027) rather than acting on general-press summaries.

SOURCES

- First Week at the Supreme Court: Guns, Gender and Guidelines — Update for October 13, 2026 — LISA Newsletter (Legal Information Services Associates)
- Court to weigh deference to U.S. Sentencing Commission's interpretations of its guidelines — SCOTUSblog
- Justices Skeptical of Reducing Deference to Sentencing Guidance — Bloomberg Law News
- Supreme Court's overhaul on agency deference likely to skip Sentencing Commission — Courthouse News
- A freed man faces life back in prison after a Supreme Court ruling on the First Step Act — Associated Press
- Supreme Court Ruling Threatens to Return Freed Man to Prison after 13 Years Behind Bars — Davis Vanguard

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.

Cluster of in-custody deaths across multiple security levels in a two-week period

PATTERN

Between October 2 and October 15, the BOP publicly reported four in-custody deaths and one incident across five facilities: USP Beaumont (high-security), USP Pollock (high-security), FCI Atlanta (administrative/medium), USP Coleman II (high-security), and FCI Fairton (medium). The releases are uniformly brief and do not disclose cause of death. The DOJ Office of the Inspector General, under the Death in Custody Reporting Act (34 U.S.C. § 60105), aggregates in-custody mortality data over longer periods; two weeks is too short a window to assert a trend, but the clustering is a pattern the publication is tracking.

For families, the pattern that matters operationally is the time lag between the public press release and the availability of substantive records. Mortality reviews, incident reports, and administrative records are not released automatically; they require FOIA, Privacy Act, or civil-discovery procedures to obtain.

WHAT FAMILIES AND DEFENDANTS CAN DO

If your loved one is housed at any BOP facility, confirm now that the next-of-kin designation in their central file is current and correct. Have them submit a cop-out (BP-A0148) to the Unit Team requesting written confirmation of who is listed. If a death occurs, families should move quickly on parallel FOIA requests to the BOP (foiaonline.gov) and the DOJ-OIG (oig.foia@usdoj.gov), preserve all TRULINCS/CorrLinks records, and — if civil counsel is engaged — send litigation-hold letters to the facility Warden and BOP General Counsel within the first 10 days to prevent routine destruction of video, post orders, and use-of-force records.

SOURCES

- Death at USP Beaumont — Federal Bureau of Prisons
- Death at USP Pollock — Federal Bureau of Prisons
- Death at FCI Atlanta — Federal Bureau of Prisons
- Death at USP Coleman II — Federal Bureau of Prisons
- Incident at FCI Fairton — Federal Bureau of Prisons

First Step Act implementation: continued operational variance

PATTERN

Forbes reporting this period characterizes BOP progress on First Step Act implementation as substantial but incomplete, with continued operational variance in how the agency calculates and applies Earned Time Credits (ETCs) across facilities and regions. The underlying statutory framework (18 U.S.C. §§ 3631–3635) and the implementing regulations at 28 C.F.R. §§ 523.40–.44 have been in place since 2022, but Case Manager-level application continues to vary, particularly on questions of programming eligibility, consecutive-day accrual, and application of credits toward prerelease custody (home confinement or Residential Reentry Center placement).

WHAT FAMILIES AND DEFENDANTS CAN DO

Every person in custody with an FSA-eligible offense should request an updated FSA Time Credit Assessment (printable from SENTRY) at least quarterly from their Case Manager. Compare the credit calculation against your Individualized Needs Plan and the programming you have actually completed. If there is a discrepancy, submit a BP-8 informal resolution to the Unit Team citing 28 C.F.R. § 523.42 (earning procedures) and § 523.44 (application procedures). If not resolved within 20 days, escalate via BP-9. Families can request copies of the Assessment through their incarcerated loved one.

SOURCES

- Bureau Of Prisons Makes Progress On First Step Act; Challenges Remain — Forbes

Sentencing & Courts

There's Power in 5G1.3 — Update for October 6, 2026

LISA Newsletter (Legal Information Services Associates) · 2026-10-06

USSG § 5G1.3 governs the imposition of a federal sentence when the defendant is already subject to an undischarged term of imprisonment — typically a state sentence. The provision allows a sentencing judge to run the federal sentence concurrently with the state term and, in some circumstances, to credit time already served. For defendants with pending state matters, raising § 5G1.3 at federal sentencing can meaningfully reduce total time in custody. The LISA analysis walks through recent circuit treatment; counsel should consult the primary opinions.

Small Religious Rights Victory for Prisoner — Update for October 9, 2026
LISA Newsletter (Legal Information Services Associates) · 2026-10-09

A Muslim woman arrested for healthcare fraud has had her civil rights claim against the BOP, concerning accommodation of the hijab (traditional head covering), allowed to proceed past the motion-to-dismiss stage. The underlying legal framework is the Religious Freedom Restoration Act (42 U.S.C. §§ 2000bb et seq.) and the Religious Land Use and Institutionalized Persons Act (42 U.S.C. §§ 2000cc et seq.), both of which require the government to demonstrate a compelling interest and the least restrictive means for substantial burdens on religious exercise. People in custody who have religious accommodation requests denied can request accommodation through BOP Program Statement 5360.09 (Religious Beliefs and Practices).

Our House Was A Very, Very, Very Fine House — Update for October 16, 2026
LISA Newsletter (Legal Information Services Associates) · 2026-10-16

LISA's October 16 edition covers additional federal criminal justice developments from the week, including commentary on pending matters before the courts. Readers tracking federal post-conviction practice should treat LISA as a signpost to the underlying primary materials — court dockets, statutes, and BOP Program Statements — and verify directly before acting.

Policy & Pending Litigation

BOP Seeks SCOTUS Stay on Transgender Order — Update for October 8, 2026
LISA Newsletter (Legal Information Services Associates) · 2026-10-08

The BOP has asked the Supreme Court to lift a lower-court injunction that currently blocks enforcement of a new agency policy restricting certain health-care accommodations for transgender people in custody. The injunction remains in place pending the Court's action. For transgender people currently in BOP custody, this means existing care protocols under BOP Program Statement 5200.08 (Transgender Offender Manual) continue to apply as of this issue's date. Any change would come through either a stay order from the Supreme Court or a merits ruling in the underlying litigation.

Justices urged to leave order in place barring enforcement of Trump administration's new policy for transgender inmates
SCOTUSblog · 2026-10-08

SCOTUSblog reports on the opposition brief filed urging the Supreme Court to leave the lower-court injunction in place. The case will be decided on the stay application before any merits review. People in custody and families with questions about current care should direct them to the facility's Health Services administrator, documenting any denial in writing for later administrative remedy.

Bureau of Prisons Says Diddy Fight with Dudus Didn't Happen
TMZ · 2026-10-15

The BOP has publicly disputed reporting of an altercation between two high-profile incarcerated individuals at a BOP facility. The practical takeaway for families is unrelated to the celebrity angle: when press reports describe incidents inside a facility and the BOP issues a public denial, the agency's statement does not foreclose a subsequent FOIA request for the underlying incident records, nor does it foreclose a Standard Form 95 claim if a specific person was injured.

BOP Operations

FCI Coleman Low Hosts First Federal Kairos Inside
Federal Bureau of Prisons · 2026-10-07

FCI Coleman Low, a low-security federal prison in Sumter County, Florida, hosted the first federal Kairos Inside program — a Christian-based volunteer-led residential weekend program that has operated for decades in state prisons and is now expanding into federal facilities. Participation is voluntary and is counted among the faith-based program options under BOP Program Statement 5360.09. People in custody interested in similar programming at their own facility can request information from the institutional Chaplain's Office.

Elizabeth Holmes scheduled to move to halfway house in August 2027
ABC News · 2026-10-16

Reporting indicates a scheduled transfer of a high-profile defendant from secure custody to a halfway house — formally, a Residential Reentry Center (RRC) — in 2027. For families watching their own loved one's RRC timeline, the governing framework is the Second Chance Act as amended by the First Step Act (18 U.S.C. § 3624(c)(1)), which authorizes up to 12 months of prerelease custody, with the actual length determined case-by-case through the Unit Team. FSA Earned Time Credits can push prerelease custody further forward under 18 U.S.C. § 3632(d)(4)(C) and 28 C.F.R. § 523.44.

North Carolina Man Gets 18-Month Prison Sentence For $8 Million AI Music Streaming Fraud

Forbes · 2026-10-07

An 18-month federal sentence in a multimillion-dollar wire fraud case is notable because, for low- or minimum-security defendants, sentences in this range often qualify for substantial FSA Earned Time Credit application and up to 12 months of RRC placement. For similarly-situated pre-sentence defendants, counsel should raise FSA eligibility, § 5G1.3 (if any undischarged state time exists), and placement recommendations with the sentencing judge; while judicial placement recommendations are not binding on the BOP, they are given weight by the Designation and Sentence Computation Center (DSCC) in Grand Prairie, Texas.

PRACTICAL TIP

Begin Thanksgiving visitation planning now — not the week before

Thanksgiving (November 26) falls six weeks out. BOP facilities typically see peak visitation volume on the Friday, Saturday, and Sunday of Thanksgiving weekend, with visitation rooms often at capacity and visitor processing delays of several hours. If you plan to visit, confirm this week that you are on your loved one's approved visiting list (processed through the Visiting Room via BP-A0629 for new visitors), that your identification document on file is current and matches the ID you will present, and that the facility's visitation schedule has not been modified. Visitation schedules are posted on each facility's page at bop.gov/locations and are governed by BOP Program Statement 5267.09 (Visiting Regulations), which allows Wardens to set facility-specific hours, visitor limits, and dress codes.

If you are traveling long distance, call the facility's visiting line one to two days before your arrival to confirm visitation has not been suspended due to a lockdown, staffing issue, or weather event. Facilities are not obligated to notify out-of-town visitors in advance of a suspension. Have a backup plan — a local hotel reservation that permits cancellation, and a plan for a phone call or video visit (where offered) if in-person visitation is unavailable on your date.

Inside Out will return in two weeks with coverage of developments through early November, including any Supreme Court action on the pending stay application in the transgender-care matter, further movement in the BOP union litigation, and any announcements from the Sentencing Commission ahead of its November meeting cycle. Readers who need further assistance navigating a specific federal-prison matter — a designation question, an administrative remedy, an FSA credit calculation, a records request, or a death-in-custody notification — 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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