Inside Out — October 30, 2026: Transgender Care Stay Holds, FCI Berlin DOJ Findings, and a Supreme Court Case on Habeas for Halfway House Transfers

This issue covers a dense two weeks in federal corrections. The Supreme Court declined to lift a lower-court injunction that bars the Bureau of Prisons (BOP) from enforcing a policy limiting gender-transition medical care for transgender people in federal custody. The Court separately granted review in a case that will decide whether federal prisoners can use habeas corpus — the traditional vehicle for challenging the fact or duration of confinement — to accelerate transfer to a Residential Reentry Center (RRC, commonly called a halfway house) or home confinement. A Department of Justice inspection of FCI Berlin, a medium-security federal prison in New Hampshire, documented staffing, healthcare, and security deficiencies.

On the operations side, BOP announced a nationwide radio communications modernization contract awarded to Motorola, and continuing litigation between BOP and the Council of Prison Locals (the AFGE-affiliated union representing BOP staff) produced another court ruling on collective bargaining rights. A tenth former correctional officer at the now-closed FCI Dublin women's prison in California pleaded guilty to sexual abuse of an incarcerated person, continuing a prosecution series that began in 2022. The U.S. Sentencing Commission released its annual supervised release revocations report.

With Thanksgiving three and a half weeks out and Veterans Day falling on November 11, this issue closes with practical visitation and mail guidance for the holiday period. All content below is drawn from primary sources (BOP press releases, court filings, DOJ reports, U.S. Sentencing Commission publications) and from the LISA Newsletter (Legal Information Services Associates), which tracks federal post-conviction developments.

THIS WEEK'S LEAD

Supreme Court to Decide Whether Federal Prisoners Can Use Habeas Corpus to Accelerate Halfway House or Home Confinement Transfers

Theme: scotus / halfway house / habeas

The Supreme Court has agreed to hear a case that asks whether a federal prisoner can file a petition for a writ of habeas corpus under 28 U.S.C. § 2241 to force BOP to move them to a Residential Reentry Center (RRC — the formal term for a halfway house) or to home confinement sooner than BOP has scheduled. Habeas corpus is the legal mechanism courts have traditionally used to review the fact or length of someone's custody. The question presented is whether an incarcerated person who believes BOP has miscalculated their First Step Act (FSA) Earned Time Credits — or has otherwise delayed their transfer to a less restrictive setting — can go directly to federal district court, or whether their only remedy is to exhaust BOP's internal Administrative Remedy Program and then, if still aggrieved, seek relief some other way.

This matters because FSA Earned Time Credits (ETCs) are the time credits awarded under 18 U.S.C. § 3632(d)(4) to eligible people in federal custody for completing approved programming. Credits can be applied either to earlier transfer to prerelease custody (RRC or home confinement) or, up to a statutory cap, to earlier supervised release. In practice, families and attorneys have reported wide variation in how BOP calculates, applies, and timely releases those credits — and the only route most people currently have when they disagree is the four-level internal BOP Administrative Remedy Program, which can take months.

The Court's eventual decision will shape whether federal courts become a meaningful backstop for FSA calculation disputes, or whether BOP's internal process remains the only route. Oral argument has not yet been scheduled; a decision is likely by late June 2027.

UNDERSTANDING THIS STORY

During incarceration

What this means if you are in federal custody now

Nothing changes immediately. The case has been granted but not decided. Until the Supreme Court rules, the law on whether § 2241 habeas is available for RRC/home confinement transfer disputes varies by circuit, and most district courts require you to first exhaust BOP's Administrative Remedy Program.

That means the practical path for anyone who believes their FSA credits are miscalculated, or that their RRC placement date is wrong, remains the same for now: start with an informal BP-8 (also called a BP-A0148) to your Unit Team, then a formal BP-9 to the Warden, then a BP-10 to the Regional Director, then a BP-11 to the Office of General Counsel. Keep copies of every form. Document every date. If the Court rules in favor of broader habeas availability next summer, cases where you have already built a documented record of your FSA calculation dispute will be in the strongest position to move quickly into federal court.

Ask your Case Manager for a current FSA Time Credit Assessment printout and a current sentence computation (SENTRY) sheet. Compare the credits BOP shows applied against the programming you have actually completed. Discrepancies you can document now are the foundation of any later legal challenge.

Before incarceration

If you have not yet self-surrendered

FSA credit accrual begins once you are in BOP custody and have been assessed. For pre-sentence defendants, the practical implication of this Supreme Court case is on the horizon rather than immediate — but the groundwork starts at sentencing.

Ask your attorney to request judicial recommendations in the Judgment and Commitment order for FSA-eligible programming (such as RDAP, the Residential Drug Abuse Program) and for RRC placement of the maximum duration permitted. Judicial recommendations are not binding on BOP but are considered. Review your Presentence Investigation Report (PSR) carefully for errors in criminal history, offense conduct description, or anything that could inflate your initial PATTERN score (the Prisoner Assessment Tool Targeting Estimated Risk and Needs, which affects FSA credit application). Errors not corrected before designation become difficult to fix later.

POLICY AND REGULATORY REFERENCES

The statutory vehicle under review is 28 U.S.C. § 2241, which authorizes federal courts to grant writs of habeas corpus to persons in custody in violation of federal law. The underlying substantive statute at issue in most FSA calculation disputes is 18 U.S.C. § 3632(d)(4), which creates Earned Time Credits for completion of Evidence-Based Recidivism Reduction (EBRR) programming and Productive Activities (PAs); credits may be applied to prerelease custody or, up to 365 days, to supervised release under 18 U.S.C. § 3624(g). BOP's implementing regulations appear at 28 C.F.R. part 523, subpart E, and are elaborated in Program Statement 5410.01 (First Step Act Time Credits Procedures).

The Administrative Remedy Program governing internal appeals is codified at 28 C.F.R. §§ 542.10–.19. Timelines are: 20 calendar days for the Warden to respond to a BP-9; 30 days for the Regional Director to respond to a BP-10; 40 days for the General Counsel to respond to a BP-11. The agency may extend each level once. Failure of BOP to respond within the allowed time, under 28 C.F.R. § 542.18, is treated as a denial for purposes of appeal.

PATTERN scoring is governed by BOP policy implementing 18 U.S.C. § 3632(a); scores are reassessed at least annually and affect whether an eligible person may apply earned credits toward prerelease custody. Placement in an RRC is authorized under 18 U.S.C. § 3624(c) and governed by Program Statement 7310.04 (as amended).

ACTION ITEMS THIS WEEK

- Request a current FSA Time Credit Assessment from your Unit Team in writing. Ask that a dated copy be placed in your central file.
- Compare the credits reflected on the Assessment to the programming you have completed. Document each discrepancy with program name, dates, and instructor if known.
- If a discrepancy exists, file an informal BP-8 (BP-A0148) with your Unit Team within 20 days of discovering it. Keep a copy.
- If the BP-8 is not resolved, file a formal BP-9 (Request for Administrative Remedy) with the Warden within 20 calendar days.

- For attorneys: calendar the Supreme Court case and consider whether to file protective § 2241 petitions in jurisdictions where the issue is currently foreclosed, to preserve clients' positions pending decision.
- Request a current sentence computation (SENTRY) printout from your Case Manager at least once every six months and retain copies.

SOURCES

- Court to consider federal inmate's ability to use habeas to accelerate transfer to a halfway house or home confinement — SCOTUSblog
- Criminal Law Busywork at Supreme Court — Update for October 22, 2026 — LISA Newsletter (Legal Information Services Associates)

DEEP DIVE 2

Supreme Court Leaves in Place Injunction Barring BOP From Restricting Gender-Transition Medical Care

Theme: transgender care / scotus / stay

On October 20, the Supreme Court declined to grant the Trump administration's request to lift a lower-court injunction preventing the Bureau of Prisons from enforcing a policy that would have restricted provision of gender-transition medical care — including hormone therapy and surgical procedures — to transgender people in federal custody. The lower-court order remains in force while the underlying litigation proceeds. The order does not resolve the merits; it preserves the status quo pending full consideration.

For people currently receiving gender-affirming care in BOP custody under the agency's existing clinical guidelines, the practical effect is that care continues under those guidelines. BOP's clinical practice has historically been governed by Program Statement 6031.05 (Patient Care) and related clinical guidance, with gender dysphoria addressed through the Transgender Executive Council review process.

The litigation is ongoing. A merits decision from the Supreme Court, if the case returns there after lower-court proceedings, would come no sooner than next term.

UNDERSTANDING THIS STORY

During incarceration

If you are currently receiving or have requested gender-transition care

Care that was in place prior to the attempted policy change should continue under existing BOP clinical guidelines. If your medication, hormone level monitoring, or scheduled procedure has been interrupted or denied, the first step is a written request (BP-A0148 informal resolution) to your Health Services Administrator asking for the specific clinical reason for the interruption and the date care will resume.

If you have not received a substantive response within 10 working days, escalate through the standard Administrative Remedy Program: BP-9 to the Warden within 20 calendar days of the triggering event, then BP-10 and BP-11 as needed. Keep copies of every medication refusal, missed appointment slip, and provider note. These documents are the foundation of both internal remedies and any outside legal action.

POLICY AND REGULATORY REFERENCES

BOP's general health care authority is 18 U.S.C. § 4042(a)(2), which requires BOP to provide for the care and subsistence of all persons in its custody. Patient care policy is set out in Program Statement 6031.05. Deliberate-indifference claims under the Eighth Amendment are governed by the standard articulated in Estelle v. Gamble, 429 U.S. 97 (1976), and refined in Farmer v. Brennan, 511 U.S. 825 (1994).

Administrative remedies for health care complaints follow the standard four-level process at 28 C.F.R. §§ 542.10–.19, with the sensitive-issues exception at § 542.14(d)(1) available where the inmate reasonably believes raising the issue at the institution would place them in danger. The Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), requires exhaustion of available administrative remedies before filing suit challenging prison conditions, which includes health care.

ACTION ITEMS THIS WEEK

- If currently receiving gender-transition care that has been interrupted, file a written informal resolution request to Health Services within 7 days.
- Request a copy of your medical record through a BP-A0520 (Inmate Request for Copy of Medical Record) — there may be a per-page fee, waivable for indigent status.
- If outside counsel is involved, sign a BP-A0288 (Authorization to Release Information) to allow records transfer.
- Document each missed dose, canceled appointment, and refused procedure with dates and the name of the staff member involved.
- If the sensitive-nature exception at 28 C.F.R. § 542.14(d)(1) applies to your situation, you may file the BP-9 directly with the Regional Director with an explanation of why institutional filing is unsafe.

SOURCES

- Supreme Court Bucks Trump Bid to Dissolve Transgender Stay — Update for October 26, 2026 — LISA Newsletter (Legal Information Services Associates)
- Justices leave lower court order in place preventing Trump administration from implementing transgender inmate policy — SCOTUSblog
- Supreme Court Denies Trump Administration Request to Withhold Health Care from Incarcerated Transgender People — ACLU of DC

DEEP DIVE 3

DOJ Inspection Documents Medical, Staffing, and Security Deficiencies at FCI Berlin

Theme: doj inspection / fci berlin / medical and staffing

The Department of Justice Office of the Inspector General released findings from an inspection of FCI Berlin, a medium-security federal correctional institution located in Berlin, New Hampshire, with an adjacent minimum-security satellite camp. The report documents significant delays in routine and urgent medical care, chronic staffing shortfalls, and security weaknesses. FCI Berlin houses roughly 850 people in the main facility and additional population at the camp.

DOJ Inspector General inspections of individual federal prisons are periodic and public. They are distinct from internal BOP after-action reviews. The reports typically make recommendations to BOP leadership and require written agency responses, which are then published alongside the report. For families whose loved ones are housed at FCI Berlin — or who may be designated there — the report is a factual record that can be referenced in administrative remedy filings and compassionate release motions where facility conditions are relevant.

UNDERSTANDING THIS STORY

During incarceration

If you are housed at FCI Berlin

If you have an unresolved health care complaint, the specific finding from the Inspector General about delays in care may be useful supporting context when you file an administrative remedy. Reference the report by name in the body of your BP-9 and describe your own specific experience with dates, names, and medical issues.

Sick call procedures at BOP facilities are governed by Program Statement 6031.05 and local supplements. If sick call is being canceled or deferred for reasons unrelated to clinical triage, document each instance. If you take prescribed medication and have experienced interruptions, request a written explanation from Pharmacy or from the prescribing provider.

POLICY AND REGULATORY REFERENCES

DOJ Office of the Inspector General inspection authority derives from the Inspector General Act of 1978, 5 U.S.C. app. § 3. BOP health care operations are governed primarily by Program Statement 6031.05 (Patient Care), with specific procedures for sick call, chronic care clinics, and pharmacy management. Staffing is governed internally; collective bargaining for most non-supervisory staff is handled through the Council of Prison Locals, affiliated with the American Federation of Government Employees (AFGE).

Compassionate release is codified at 18 U.S.C. § 3582(c)(1)(A), with eligibility criteria developed by the U.S. Sentencing Commission at USSG § 1B1.13. The 2023 amendments to § 1B1.13 expanded the categories of 'extraordinary and compelling reasons' and include medical circumstances and, in defined circumstances, conditions affecting the defendant's medical care.

ACTION ITEMS THIS WEEK

- Obtain the full OIG inspection report from oig.justice.gov; keep a copy with your family's prison file.
- If a loved one at FCI Berlin has an unresolved medical complaint, assist them in filing a BP-A0148 (informal resolution) to Health Services within 20 days of the triggering event.
- Document each missed appointment, deferred sick call, and medication interruption with date, time, and staff name where known.
- If pursuing compassionate release, discuss with counsel whether the OIG findings are relevant to the client's specific medical basis for relief.
- Request your loved one's medical records via BP-A0520; counsel may obtain them separately with a signed release.

SOURCES

- DOJ Finds FCI Berlin Short on Staff, Healthcare, and Security — Update for October 19, 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.

Supervised release revocations: new USSC data

PATTERN

The U.S. Sentencing Commission's Supervised Release Revocations Data Report for the most recent fiscal year documents a substantial share of federally supervised individuals returning to custody on revocation. Revocation occurs when a federal probation officer petitions the sentencing judge to find that a condition of supervised release has been violated; if the court finds a violation, the person may be ordered to serve additional time in BOP custody. Common grounds include new criminal conduct, substance use detected through drug testing, failure to report, and association restrictions.

WHAT FAMILIES AND DEFENDANTS CAN DO

If you or a loved one is on supervised release, the single most important preventive step is early and documented contact with the supervising U.S. Probation Officer when something is going wrong — a job loss, a positive drug test, a missed curfew, a residence change. Officers have discretion to address low-level issues administratively (verbal warning, modified conditions, treatment referral) rather than filing a revocation petition. For those still in BOP custody preparing for release, request that your Case Manager include in the pre-release plan specific information about where you will live, where you will work, and what treatment or support you will access — these are the facts the Probation Office will verify in the first 30 days.

SOURCES

- Supervised Release By The Numbers — Update for October 29, 2026 — LISA Newsletter (Legal Information Services Associates)

BOP–union litigation and its operational implications

PATTERN

Litigation between the Bureau of Prisons and the Council of Prison Locals (AFGE), the union representing most non-supervisory BOP staff, has produced successive court rulings over the past year on the scope and continuation of collective bargaining agreements. A recent decision favored the union; separately, BOP has indicated it will continue to pursue changes to collective bargaining relationships. Staffing patterns, overtime availability, and augmentation (the practice of pulling non-custody staff — teachers, counselors, medical personnel — to cover correctional officer posts) are affected by the underlying labor framework at each institution.

WHAT FAMILIES AND DEFENDANTS CAN DO

Families noticing changes in programming availability, visitation hours, mail processing time, or Unit Team responsiveness should recognize that staffing fluctuations driven by the labor framework and by facility vacancy rates are a frequent cause. For visits: call the facility's visiting room number 48 hours in advance to confirm hours. For programming disputes (such as RDAP or FSA programming not being offered as scheduled), file a BP-A0148 informal resolution; interruptions in programming can affect FSA Earned Time Credit accrual, which is a documentable harm.

SOURCES

- Federal Prison Union Wins In Court, Battle On With Bureau Of Prisons — Forbes
- Bureau of Prisons seeks another shot at ending union contracts — GovExec.com

Residential reentry setting misconduct prosecutions

PATTERN

Federal prosecutions of staff at Residential Reentry Centers (RRCs — halfway houses) and institutional settings for sexual abuse of people in custody continue to produce guilty pleas. A former staff member at an Atlanta-area halfway house was sentenced on charges related to sexual abuse of a person in custody. Separately, a tenth former correctional officer at the now-closed FCI Dublin women's prison in California entered a guilty plea in that long-running prosecution series.

WHAT FAMILIES AND DEFENDANTS CAN DO

People in RRC placement or institutional custody who experience staff sexual misconduct have reporting rights under the Prison Rape Elimination Act (PREA), 34 U.S.C. §§ 30301–30309, implemented through BOP Program Statement 5324.12. Reports can be made to any staff member, to the facility's PREA Compliance Manager, to the DOJ Office of the Inspector General hotline (1-800-869-4499), or anonymously by mail to OIG. Retaliation for reporting is itself prohibited. Families who suspect misconduct should encourage the person inside to report and should document contemporaneously what they are told; family members may also report directly to OIG.

SOURCES

- 10th former officer at FCI Dublin women's prison pleads guilty to sexual abuse — CBS News
- Former Atlanta halfway house officer sentenced for sexual assault of inmate — Instagram / local news reporting

BOP Operations

BOP Launches Nationwide Radio Communications Modernization

Bureau of Prisons · 2026-10-27

BOP announced a nationwide modernization of staff radio communications infrastructure. A separately reported contract award to Motorola valued at approximately $140 million is associated with the project. For families, the practical implication is that institutional radio and alert systems will be in transition at facilities over coming

months, which can occasionally affect lockdown procedures and emergency response times during the installation window.

Motorola Wins $140 Million US Bureau of Prisons Radio Contract

Bloomberg · 2026-10-27

Reporting on the contract award clarifies the scope: a multi-year deployment covering BOP facilities nationwide. Implementation timelines by facility are not public; families noticing communication-related operational changes at a specific institution can inquire with the Executive Assistant's office at that facility.

Death at FCI Leavenworth

Bureau of Prisons · 2026-10-22

BOP announced the death of a person in custody at FCI Leavenworth, a medium-security federal correctional institution in Kansas. BOP press releases on in-custody deaths typically identify the person, note that the FBI and local coroner have been notified, and state that the matter is under investigation. Family members who learn of a death through news reporting rather than through BOP's next-of-kin notification should contact the facility Chaplain's office; the Chaplain is the designated point of contact for family after an in-custody death under Program Statement 5553.09.

BOP employees to serve as election monitors at polling sites, DOJ filing says

Corrections1 · 2026-10-29

A DOJ filing indicates BOP staff will serve as federal election monitors at selected polling sites. Families should be aware that temporary off-site assignments can contribute to facility staffing variability during the November 3–4 election period, which may affect visitation, mail processing, and programming availability at affected institutions.

Sentencing & Courts

3rd Circuit Doubles Down on 922(g)(1) Dangerousness — Update for October 20, 2026

LISA Newsletter (Legal Information Services Associates) · 2026-10-20

The Third Circuit (covering Delaware, New Jersey, Pennsylvania, and the Virgin Islands) issued two decisions refining its approach to as-applied Second Amendment challenges to 18 U.S.C. § 922(g)(1), the federal felon-in-possession statute. The decisions build on the circuit's earlier Range v. Attorney General ruling. The practical effect: the circuit continues to recognize as-applied challenges but is articulating narrower criteria tied to the defendant's demonstrated dangerousness. People with prior § 922(g)(1) convictions in the Third Circuit who are considering collateral challenges should consult counsel about whether the new decisions help or constrain their position.

A Pair of Promising Post-Conviction Cases — Update for October 27, 2026

LISA Newsletter (Legal Information Services Associates) · 2026-10-27

LISA tracks two post-conviction developments, including one addressing the interaction between the Supreme Court's 1994 decision in Heck v. Humphrey and Federal Tort Claims Act (FTCA) deadlines. Heck held that a person cannot bring certain civil claims arising from an allegedly unconstitutional conviction until the conviction has been overturned. The developments covered may extend practical FTCA timing in some fact patterns. People with potential FTCA claims arising from treatment during federal custody should discuss the timing analysis with counsel.

Criminal Law Busywork at Supreme Court — Update for October 22, 2026

LISA Newsletter (Legal Information Services Associates) · 2026-10-22

A roundup of Supreme Court criminal docket activity including the halfway house / habeas grant covered in this issue's deep dive and several additional pending petitions. The Court's criminal docket this term includes multiple cases with implications for federal sentencing and post-conviction procedure; a full picture will emerge as grants and denials accumulate through the fall.

Alexander Brothers Sentencing: 3 Siblings Will Serve 30 Years Each For Sex Trafficking

Forbes · 2026-10-27

Three defendants received 30-year federal sentences in a high-profile sex trafficking case. The sentences fall within the Sentencing Guidelines range typical for 18 U.S.C. § 1591 convictions with the aggravating factors

present. For families following similar cases, the sentence structure illustrates how statutory minimums, Guidelines calculations, and § 3553(a) factors interact at the high end of federal sentencing.

Conditions & Oversight

DOJ, Alabama gear up for trial over 'cruel' prison conditions
AL.com · 2026-10-28
DOJ's Civil Rights Division is heading to trial against the Alabama Department of Corrections in a conditions-of-confinement case brought under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §§ 1997 et seq. The case concerns the state prison system, not federal facilities. For federal families, the significance is that the DOJ Civil Rights Division's institutional corrections docket is active; CRIPA findings and consent decrees in state systems sometimes inform federal practice through comparative benchmarking.

Civil rights lawsuit challenges 'inhumane' conditions at Indiana immigration detention center
WBEZ Chicago · 2026-10-29
A civil rights lawsuit was filed challenging conditions at an Indiana immigration detention facility. The facility is operated under contract with Immigration and Customs Enforcement (ICE), which is a separate agency from BOP. Federal defendants with immigration consequences at the end of a federal sentence should understand that ICE custody is governed by a different detention standards framework (ICE Performance-Based National Detention Standards) and a different grievance process than BOP.

Policy & Legislation

The First Step Act promised criminal justice reform. Has it delivered?
Spectrum News · 2026-10-29
A retrospective reviewing First Step Act implementation nearly eight years after enactment. For families, the practical reference points are that the Act's three principal mechanisms — Earned Time Credits (18 U.S.C. § 3632), expanded compassionate release eligibility (18 U.S.C. § 3582(c)(1)(A), as amended), and sentencing reforms to certain drug and firearms statutes — remain in force. BOP's implementation guidance continues to evolve through Program Statement 5410.01 and related issuances.

PRACTICAL TIP

Thanksgiving visitation and mail: plan now

Thanksgiving falls on November 26 this year. Federal institution visiting rooms typically operate on holiday schedules the Wednesday through Sunday of that week, with reduced hours and sometimes capacity-controlled entry. Visitation rules are set in Program Statement 5267.09 and detailed in each facility's institution supplement, which is available on request from the Warden's office or the facility's website. Three steps worth taking in the next ten days: (1) confirm you are on your loved one's current visiting list — list changes typically take 30 days to process; (2) call the visiting room number at the specific facility (not the general BOP number) to confirm Thanksgiving-week hours; (3) if you plan to travel, book lodging now, as hotels within reasonable distance of federal institutions book out quickly over federal holidays.

For mail: BOP mail processing typically slows the week before and after a federal holiday. Veterans Day on November 11 is a federal holiday — no mail processing that day. Legal mail (correspondence from an attorney, clearly marked 'Special Mail — Open Only in the Presence of the Inmate' under 28 C.F.R. § 540.18) is processed on a separate track and is generally less affected. For personal mail intended to arrive by Thanksgiving, mail by November 16 to allow for intake processing time.

Inside Out will return in two weeks with coverage of the final weeks of the calendar year, including the annual clemency petition window and any further developments in the Supreme Court cases discussed above. 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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