

**INSIDE OUT***A biweekly briefing on the federal prison system for families, defendants, and advocates* **Vol. 1 · No. 11 · Inmate Edition****Inside Out — September 18, 2026: Compassionate Release Data, an ADA Ruling on Prison Medical Care, and a Furlough Escape from FCI Miami**

This issue covers three primary developments from the past two weeks. The U.S. Sentencing Commission (USSC) released fiscal year data on compassionate release motions filed under 18 U.S.C. § 3582(c)(1)(A), showing continued low grant rates and wide district-by-district variation. The Ninth Circuit Court of Appeals allowed a federal prisoner's Americans with Disabilities Act (ADA) claim regarding medical care to proceed, adding to a body of decisions on how disability-rights statutes intersect with Bureau of Prisons (BOP) medical operations. And the BOP confirmed an escape during an authorized furlough from the Federal Correctional Institution (FCI) in Miami, which prompts a review of how furloughs are approved and what happens to the sending facility's furlough program when an escape occurs.

Also in this issue: a BOP nicotine-pouch contracting matter drawing outside scrutiny, a presidential clemency grant covering a group of federal prisoners without prominent political profiles, National Suicide Prevention Awareness Month resources published by the BOP, a fight at FCI Yazoo City, and Forbes coverage of the international treaty-transfer program as a mechanism for reducing the federal prison population.

Quick housekeeping: Yom Kippur begins at sundown on Sunday, September 20. Families with incarcerated Jewish loved ones may want to review the visitation and religious-diet notes in this week's practical tip.

**THIS WEEK'S LEAD****USSC Publishes FY 2025 Compassionate Release Data; Grant Rates Remain Low and Vary Sharply by District**

*Theme: compassionate release / § 3582(c)(1)(A) / USSC data*

The U.S. Sentencing Commission (USSC) — the independent agency that collects sentencing data and issues the federal Sentencing Guidelines — published its annual data on sentence-reduction motions decided during fiscal year 2025. The dataset covers motions brought under 18 U.S.C. § 3582(c)(1)(A), the federal compassionate release statute, which since the First Step Act of 2018 (FSA) has allowed prisoners themselves to file directly in the sentencing court after exhausting a request to the warden. The same release also included data on motions filed under Amendment 821, the Commission's 2023 amendment reducing certain criminal history category calculations.

According to the LISA Newsletter's summary of the USSC data, grant rates on § 3582(c)(1)(A) motions remain in the low double digits nationally, with substantial variation among the 94 federal judicial districts — some districts granting a meaningful percentage of motions and others granting almost none. The ABA Journal, in separate coverage this week, reported on a downstream problem: even when a court grants compassionate release for medical reasons, sick individuals often struggle to find nursing homes or skilled-care facilities willing to accept them, which can delay or complicate release.

For readers, the practical significance is twofold. First, the underlying legal standard has not changed — a movant must still show 'extraordinary and compelling reasons' as defined in USSG § 1B1.13 and must persuade the sentencing judge that the 18 U.S.C. § 3553(a) factors support reduction. Second, the district-level variation in outcomes means that the identity of the sentencing court is a material factor in how a motion is likely to be received, and preparation should be tailored accordingly.

**UNDERSTANDING THIS STORY**

**During incarceration**

**If you are considering filing a motion from inside**

Before a federal prisoner can file a compassionate release motion in court, § 3582(c)(1)(A) requires either (a) fully exhausting the BOP administrative process, or (b) waiting 30 days after the warden receives the request without a response. The written request to the warden is the starting point and should specifically state the 'extraordinary and compelling' basis being invoked — for example, a terminal or serious medical condition, advanced age combined with declining health, family circumstances such as the death or incapacitation of the sole caregiver of a minor child or spouse, or, under the 2023 revisions to USSG § 1B1.13, an 'unusually long sentence' combined with a change in law.

Document everything. Keep a copy of the request to the warden, note the date it was submitted, and calendar the 30-day mark. If the warden denies or fails to respond, that written record becomes the exhaustion showing filed with the motion. Medical claims should be supported by BOP medical records — request them through your Health Services unit and, if needed, through a Freedom of Information Act (FOIA) request under 5 U.S.C. § 552.

Because grant rates vary by district, ask your attorney or the assisting organization to look at recent decisions from your sentencing judge specifically, not just circuit-wide averages. A motion that reads well to one judge may miss the mark for another; tailoring matters.

### **POLICY & REGULATORY REFERENCES**

The compassionate release statute is 18 U.S.C. § 3582(c)(1)(A), which authorizes a sentencing court to reduce a term of imprisonment upon motion of the Director of the BOP or, following the First Step Act (Pub. L. 115-391, § 603(b)), upon motion of the defendant after administrative exhaustion. The governing policy statement is USSG § 1B1.13, revised effective November 1, 2023, which defines 'extraordinary and compelling reasons' in six enumerated categories at subsections (b)(1) through (b)(6). BOP Program Statement 5050.50, 'Compassionate Release / Reduction in Sentence: Procedures for Implementation,' governs the initial request to the warden and its internal review, though after the First Step Act the BOP's denial no longer forecloses direct filing in court. The exhaustion requirement is satisfied either by completing the BOP administrative process or by the passage of 30 days from the warden's receipt of the request. On the § 3553(a) side, the court must consider the sentencing factors — nature and circumstances of the offense, history and characteristics of the defendant, need for the sentence, and the kinds of sentences available — before granting relief. Amendment 821, effective November 1, 2023, is a separate mechanism under § 3582(c)(2) covering certain criminal-history recalculations and is not the same as compassionate release, though the USSC reports data on both together.

### **ACTION ITEMS THIS WEEK**

- If considering compassionate release, submit a written request to your warden that specifically identifies the § 1B1.13 category being invoked (medical, age, family, other, or unusually long sentence). Keep a dated copy.
- Calendar the 30-day exhaustion clock from the date the warden receives your request. After 30 days without a favorable response, you may file directly in the sentencing court.
- Request your BOP medical records through Health Services and, if needed, through a FOIA request under 5 U.S.C. § 552 to the BOP FOIA/Privacy Act Section.
- For medically-based motions, families should begin identifying post-release medical providers and, if skilled nursing is needed, obtain written acceptance from a facility before filing where feasible.
- Ask counsel to pull the sentencing judge's prior orders on § 3582(c)(1)(A) motions to understand how that court has treated similar claims.
- Assemble a written release plan — housing, medical coverage, transportation, and support network — and attach it to the motion; a documented plan addresses the § 3553(a) 'safety' concern courts frequently raise.

## SOURCES

- [Compassionate Release Data Published – Update for September 15, 2026](#) — LISA Newsletter (Legal Information Services Associates)
- [Nowhere to Go: Sick inmates on compassionate release are often barred from nursing homes](#) — ABA Journal

## DEEP DIVE 2

### Ninth Circuit Allows Federal Prisoner's ADA Claim on Medical Indifference to Proceed

*Theme: medical care / ADA / Ninth Circuit*

The U.S. Court of Appeals for the Ninth Circuit permitted a federal prisoner with a documented disability to proceed with a claim under the Americans with Disabilities Act (ADA) alleging that prison officials were deliberately indifferent to his medical needs. The ADA — specifically Title II, codified at 42 U.S.C. §§ 12131–12134 — prohibits public entities from discriminating against qualified individuals with disabilities and from denying them the benefits of services, programs, or activities. Federal prisons are not covered by Title II directly (because the BOP is a federal, not a public, entity), but a parallel provision — Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 — imposes the same substantive obligations on federal executive agencies including the BOP.

According to the LISA Newsletter's coverage, the Ninth Circuit's decision addresses the interaction between disability-discrimination claims and Eighth Amendment 'deliberate indifference' claims under *Estelle v. Gamble*, 429 U.S. 97 (1976). The two theories are distinct: an Eighth Amendment claim requires showing that officials knew of and disregarded a serious medical need; a disability-rights claim requires showing denial of a benefit, program, or reasonable accommodation because of disability. The decision expands the practical range of legal theories available to federal prisoners with disabilities who allege inadequate medical care.

This matters this week because it may open a supplementary avenue for prisoners with recognized disabilities — mobility impairments, chronic illnesses meeting the ADA definition, sensory disabilities, and certain mental-health conditions — to seek accommodation and remedy when BOP medical response is delayed or denied.

## UNDERSTANDING THIS STORY

### During incarceration

#### If you have a disability and need accommodation for medical care

The starting point inside a BOP facility is the reasonable-accommodation request process. BOP policy requires designated ADA/Rehabilitation Act coordinators at each institution — typically an associate warden or unit management staff — and prisoners can submit accommodation requests in writing. Requests should describe the disability, the specific accommodation needed (for example, a lower bunk, accessible housing unit, sign-language interpretation for medical appointments, assistance with activities of daily living, or timely medication administration), and how the current situation is denying access to medical care or programming.

Parallel to the accommodation request, use the administrative remedy process (BP-8 informal resolution, BP-9 to the warden, BP-10 to the regional office, BP-11 to central office) under 28 C.F.R. §§ 542.10–.19 to create the record of what was asked, when, and how the institution responded. Exhaustion of this process is generally required by the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e(a), before filing in court.

Keep copies of every medical request (sick call slips, kites), the responses received, and dates of appointments missed or accommodations denied. This record is the foundation of any future Section 504 or Bivens claim.

## POLICY & REGULATORY REFERENCES

Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, prohibits disability discrimination by federal executive agencies, including the BOP, and provides the primary disability-rights vehicle for federal prisoners. Title II of the ADA, 42 U.S.C. §§ 12131–12134, applies to state and local prisons but not directly to the BOP; it is analytically parallel and often cited alongside § 504. BOP Program Statement 3713.34, 'Nondiscrimination Toward Inmates with Disabilities,' addresses reasonable-accommodation obligations inside federal facilities. The Eighth Amendment 'deliberate indifference' standard for medical care originates in *Estelle v. Gamble*, 429 U.S. 97 (1976), and was refined in *Farmer v. Brennan*, 511 U.S. 825 (1994). Administrative exhaustion is

governed by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), which requires prisoners to exhaust available administrative remedies before filing suit; those remedies are set out at 28 C.F.R. §§ 542.10–.19 (BP-8 informal, BP-9 to the warden within 20 calendar days, BP-10 to the regional director within 20 calendar days of the BP-9 response, BP-11 to the general counsel within 30 calendar days of the BP-10 response). Medical records may be obtained through Health Services or, if needed, through a FOIA request under 5 U.S.C. § 552.

### **ACTION ITEMS THIS WEEK**

- Identify the ADA/Rehabilitation Act coordinator at your facility and submit a written accommodation request that describes the disability, the accommodation sought, and the medical or programmatic access being affected.
- Begin the administrative remedy process (BP-8, then BP-9 within 20 calendar days) documenting each denial of care or accommodation. Keep copies of every filing and response.
- Request your complete BOP medical record through Health Services; if delays occur, submit a FOIA request under 5 U.S.C. § 552 to the BOP FOIA/Privacy Act Section.
- For families: keep a dated log of phone calls and letters in which the incarcerated person describes symptoms, denied care, or missing accommodations. Note staff names when mentioned.
- Consult counsel about whether Section 504 of the Rehabilitation Act provides a claim distinct from Eighth Amendment deliberate-indifference theories, and about the exhaustion posture required by the PLRA.
- Consider filing a complaint with the Department of Justice Civil Rights Division for disability-based complaints against a federal agency.

### **SOURCES**

- [Disabled Prisoner Allowed to Use ADA To Pursue Prison Indifference to Medical Needs – Update for September 14, 2026](#) — LISA Newsletter (Legal Information Services Associates)

## **DEEP DIVE 3**

### **BOP Reports Furlough Escape from FCI Miami; What Furloughs Are and How Approvals Work**

*Theme: furlough / escape / FCI Miami*

The BOP issued a press release on September 11, 2026, reporting that a person in custody at the Federal Correctional Institution (FCI) in Miami — a low-security facility in south Florida — failed to return from an authorized furlough. The Miami Herald separately reported that the individual was a person with a prior high-profile drug conviction. As of publication, the BOP and the U.S. Marshals Service are conducting the recapture effort.

A furlough is an authorized, unescorted temporary absence from a BOP facility. Furloughs are used for specific purposes: medical treatment, participation in programs, transfers between institutions or to community corrections, and occasionally for family emergencies. They are governed by 18 U.S.C. § 3622 and BOP policy, and they are approved based on a documented review of custody classification, disciplinary history, remaining sentence length, and the specific reason for the furlough. Most people in federal custody will never qualify for an unescorted furlough; the ones who do are generally in low- or minimum-security custody, near release, and have clean institutional records.

Escape from furlough is a separate criminal offense under 18 U.S.C. § 751(a), independent of the underlying sentence, and it carries additional federal exposure. Institutionally, high-visibility escapes typically trigger internal review of furlough approval practices at the sending facility, which can affect other people's pending or future furlough requests at that institution in the short term.

### **UNDERSTANDING THIS STORY**

#### **During incarceration**

#### **If you have a pending furlough request at FCI Miami or elsewhere**

Furlough approvals are discretionary and administered at the institutional level. Following any high-profile escape from a facility, it is common for the sending institution to become more cautious in the near term about

approving similar categories of furlough, even though there is no formal policy change. If you have a pending or planned request, ask your case manager where the request stands and whether the review timeline has shifted.

Document the operational need for the furlough in the request. Medical furloughs should include the treating provider's contact information and appointment date; program furloughs should reference the specific program; transfer-related furloughs should identify the receiving facility or community corrections office. A well-documented request is easier to defend in an environment where staff may be under heightened scrutiny.

If a furlough is denied, you can raise the denial through the administrative remedy process (BP-8, then BP-9) under 28 C.F.R. §§ 542.10–.19. Denials that are inconsistent with the underlying policy are the strongest candidates for administrative challenge.

### **POLICY & REGULATORY REFERENCES**

The statutory authority for furlough is 18 U.S.C. § 3622, which allows the Director of the BOP to release a prisoner from the place of imprisonment for a limited period to visit a relative during illness, attend a funeral, obtain medical treatment not available in the institution, contact prospective employers, establish or reestablish family and community ties in preparation for release, or engage in any other significant activity consistent with the public interest. The implementing regulation is 28 C.F.R. §§ 570.30–.39, and BOP Program Statement 5280.09, 'Furloughs,' governs internal procedures including eligibility criteria and application review. Escape from a place of confinement or from custody, including failure to return from furlough, is criminalized at 18 U.S.C. § 751(a). Custody classification is governed by BOP Program Statement 5100.08, 'Inmate Security Designation and Custody Classification.' The administrative remedy process for challenging furlough denials is at 28 C.F.R. §§ 542.10–.19.

### **ACTION ITEMS THIS WEEK**

- If you have a pending furlough request, ask your case manager in writing for the status and expected decision date, and keep a copy of the request.
- Include, with any furlough application, third-party documentation supporting the operational purpose: medical appointment confirmations, program acceptance letters, employer letters, or RRC coordination correspondence.
- If a furlough is denied, request a written explanation and file a BP-8 informal resolution promptly; escalate to BP-9 within 20 calendar days if unresolved.
- Understand that failure to return from furlough is a separate federal offense under 18 U.S.C. § 751(a) that adds to, rather than replaces, the underlying sentence.
- For family members: if a loved one is scheduled to leave on a furlough, keep the case manager's contact information handy and confirm the planned return date and time.

### **SOURCES**

- [Furlough Escape from FCI Miami \(BOP Press Release, September 11, 2026\)](#) — Federal Bureau of Prisons
- [Infamous drug dealer prison inmate disappears between Miami and Georgia](#) — Miami Herald

## **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.

### **District-level variation in § 3582(c)(1)(A) grant rates**

#### **PATTERN**

The USSC's FY 2025 data, as summarized in outside reporting this week, continues a multi-year pattern of substantial variation in how the 94 federal judicial districts adjudicate compassionate release motions. Some districts grant a meaningful percentage of motions; others grant almost none. The variation persists across the 2023 revisions to USSG § 1B1.13, which broadened the enumerated categories of 'extraordinary and compelling reasons.'

The practical consequence for readers is that the same set of facts may be evaluated differently depending on the sentencing court. This is not a matter of policy inconsistency at the BOP level — the motion is decided by the sentencing judge — but it does affect how counsel should prepare and present a motion.

### **WHAT FAMILIES AND DEFENDANTS CAN DO**

When preparing a compassionate release motion, ask counsel to review recent orders from the specific sentencing judge, not just circuit-wide averages. Where the district or judge has denied similar motions, focus the filing on the specific factual distinctions and on the § 3553(a) analysis, which is often where discretionary denials are grounded. If working without counsel, the PACER system ([pacer.uscourts.gov](https://pacer.uscourts.gov)) provides access to district court orders; local federal defender offices sometimes maintain informal reference lists of recent § 3582(c)(1)(A) rulings.

### **SOURCES**

- [Compassionate Release Data Published – Update for September 15, 2026](#) — LISA Newsletter (Legal Information Services Associates)

## **BOP Operations**

### **Three inmates injured in fight at FCC Yazoo City**

WJTV · 2026-09-15

The Federal Correctional Complex (FCC) at Yazoo City, Mississippi — which houses low-, medium-, and high-security facilities — was the site of an inmate fight in which three people were injured. Following in-custody violence, facilities typically restrict movement, phone, and visitation for a period. Families who cannot reach a loved one at FCC Yazoo City in the coming days should call the specific institution (Low, Medium, or USP) rather than the complex switchboard for status information.

### **National Suicide Prevention Awareness Month**

Federal Bureau of Prisons · 2026-09-14

The BOP marked National Suicide Prevention Awareness Month with resource information directed at staff and people in custody. Families concerned about a loved one's mental health can request a wellness check by calling the institution and asking to speak with a chaplain, psychology services, or the unit team; a chaplain call is often the fastest way to prompt an in-person check. The Suicide and Crisis Lifeline (988) is available to family members outside the facility.

### **Reporting on BOP nicotine-pouch contracting raises procurement questions**

LISA Newsletter (Legal Information Services Associates) · 2026-09-11

Outside reporting summarized in the LISA Newsletter describes a BOP contracting arrangement for nicotine pouches awarded to a recently-formed Florida vendor. For families, the immediate practical point is that nicotine pouches — where sold in BOP commissaries — remain subject to institutional pricing and availability rules that vary by facility. Commissary lists and pricing are published at each institution and can be requested through the unit team.

## **Sentencing & Courts**

### **Commentary on Supreme Court's Hunter decision draws district-court analysis**

LISA Newsletter (Legal Information Services Associates) · 2026-09-17

The LISA Newsletter summarizes a Substack essay by a federal district judge in the Southern District of West Virginia analyzing the Supreme Court's Hunter decision. For defendants and counsel, the underlying takeaway is that trial-court commentary on recent Supreme Court criminal-procedure rulings can offer useful insight into how those rulings are being applied in practice. Ask counsel whether the analysis affects any pending post-conviction motion.

### **Coverage of district-court procedural errors in criminal cases**

LISA Newsletter (Legal Information Services Associates) · 2026-09-10

LISA summarizes recent appellate decisions in which federal district courts made procedural or substantive errors in criminal proceedings — including a case involving improper handling of a post-conviction motion. The

practical significance is that direct appeal and, in some cases, § 2255 motions remain avenues to correct trial-court errors; deadlines for both are strict, and counsel should be consulted promptly after any adverse ruling.

## **Policy & Legislation**

### **Marshall Project: New BOP policy expands administration authority over discipline**

The Marshall Project · 2026-09-18

The Marshall Project reports on a new BOP policy expanding administrative authority in disciplinary and confinement decisions. Readers with loved ones facing disciplinary proceedings should note that the Disciplinary Hearing Officer (DHO) process under 28 C.F.R. §§ 541.1–.8 remains the operative procedural framework, and DHO decisions can be appealed through the administrative remedy process (BP-10 to the region, BP-11 to central office). Any policy changes affecting scope or standards of discipline should be reviewed with counsel where a serious sanction is on the table.

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### **Forbes: Treaty transfer as a mechanism for federal prison population reduction**

Forbes · 2026-09-14

Forbes coverage discusses the International Prisoner Transfer Program administered by the DOJ's Office of Enforcement Operations under treaties authorized at 18 U.S.C. §§ 4100–4115. Under this program, a non-U.S. citizen sentenced in federal court can apply to serve the remainder of a sentence in a treaty partner country, subject to consent from both governments and, in some cases, the sentencing court. Applications go through the BOP case manager and require documentation of citizenship, treaty eligibility, and personal willingness. Processing typically takes many months.

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### **Presidential clemency grants covering a group of federal prisoners**

LISA Newsletter (Legal Information Services Associates) · 2026-09-08

The LISA Newsletter reports on a batch of presidential clemency grants covering approximately 30 federal prisoners, most without prominent public profiles. Clemency petitions are processed through the Office of the Pardon Attorney (OPA) under 28 C.F.R. Part 1. Petitioners must generally have served at least a portion of their sentence and be five years past release for pardon eligibility; commutation of sentence follows different criteria. Petitions are available at [justice.gov/pardon](https://justice.gov/pardon).

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### **First Step Act release covered in cryptocurrency-related reporting**

Yellow.com · 2026-09-12

Outside reporting notes an early release under the First Step Act (FSA), enacted at Pub. L. 115-391 and codified in part at 18 U.S.C. § 3632. FSA Earned Time Credits (ETCs) accrue for participation in evidence-based recidivism reduction (EBRR) programming and productive activities, and can be applied toward early transfer to prerelease custody (RRC or home confinement) or, for eligible individuals, toward supervised release. Eligibility depends on offense of conviction (a statutory exclusion list applies) and PATTERN risk-assessment score. ETC application is handled by the unit team; disputes go through the administrative remedy process.

## **Reentry & Community**

### **NY Post: personal account of weight loss and fitness inside a federal facility**

New York Post · 2026-09-16

First-person media coverage of health and fitness routines inside federal facilities can be useful for readers preparing for self-surrender or supporting a loved one's transition. Access to recreation, diet composition (including the Common Fare religious diet and medical diets), and commissary options vary substantially by facility and security level. For medical-diet documentation, work with Health Services; for religious diets, submit the request through the chaplain.

#### **PRACTICAL TIP**

##### **Yom Kippur logistics for families**

Yom Kippur begins at sundown on Sunday, September 20 and ends at nightfall on Monday, September 21. Jewish individuals in BOP custody who observe the fast should be enrolled with the institution's chaplaincy for religious accommodation; this is typically handled through a written request to the chaplain and is documented in the person's central file. Families supporting a loved one this week can call the institution's

chaplaincy office directly to confirm that observance accommodations — including permission to fast, access to services, and any applicable adjustments to meal timing — are in place. Sukkot begins the following weekend (sundown September 25), and religious-item accommodations for Sukkot are similarly coordinated through the chaplain.

On the visitation side, phone and visitation lines tend to be busier during religious observances, and mail processing at BOP facilities does not run on federal holidays. Correspondence sent this week may take longer than usual to arrive. If a time-sensitive legal document must reach an incarcerated person, coordinate with counsel about using legal mail procedures under 28 C.F.R. § 540.18, which are handled separately from general correspondence.

Inside Out is published by DrPrison.org as a service to families, defendants, attorneys, and advocates navigating the federal prison system. Readers who need further assistance with a specific federal-prison matter can reach DrPrison.org at [help@drprison.org](mailto:help@drprison.org). The next issue is scheduled for October 2.

#### **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](mailto:help@drprison.org). Inside Out is a free service; no subscription required.

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