

No. 25-5930

In the Supreme Court of the United States

WILLIAM MAXWELL,

Petitioner,

v.

SANDRA DINIS, ACTING WARDEN,

Respondent.

**On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

**BRIEF OF FAMM AS *AMICUS CURIAE*
IN SUPPORT OF PETITIONER**

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INTEREST OF *AMICUS CURIAE*¹

FAMM (formerly Families Against Mandatory Minimums) is a national, nonprofit, nonpartisan organization dedicated to promoting fair and proportionate sentencing policies and challenging inflexible and excessive penalties required by mandatory sentencing laws. For nearly thirty-five years, FAMM has worked to restore discretion to judges to distinguish among individually situated defendants according to their role in the offense, the seriousness of the offense, their potential for rehabilitation, and other individual characteristics. Since its founding in 1991, FAMM has grown to include 75,000 supporters, including currently and formerly incarcerated people, family members, practitioners, and concerned citizens. FAMM's vision is a nation in which sentencing is individualized, humane, and sufficient to impose just punishment, secure public safety, and support successful rehabilitation. FAMM accomplishes its purposes through education of the general public, selected amicus filings in important cases, congressional testimony, and advocacy.

INTRODUCTION AND SUMMARY OF ARGUMENT

As Petitioner Maxwell correctly explains, habeas relief has long been available for “level-of-custody” claims like the one he brings here, which challenges his ongoing incarceration and seeks “accelerated transfer from prison to distinct and materially less

¹ Pursuant to Supreme Court Rule 37.6, *amicus curiae* states that no counsel for any party authored this brief in whole or in part and that no entity or person, aside from amicus and their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

restrictive custody served outside of prison walls.” Pet. Br. 5.

FAMM writes to explain why the availability of meaningful and timely judicial relief through a habeas petition is vitally important to enforcing the mandatory system that Congress enacted in the First Step Act. When Congress passed the First Step Act, it mandated that individuals “*shall* be placed in” two forms of prerelease custody when eligible: residential reentry centers (so-called “halfway houses”), or home confinement. 18 U.S.C. § 3624(g)(2) (emphasis added).

Many of FAMM’s members have moved from a federal prison into halfway houses or home confinement. Their experiences confirm that prerelease custody is not merely a change of address, but a change in kind. It restores contact with family, opens the door to education and employment, and allows individuals to begin—rather than merely await—the work of rebuilding their lives. Each day an individual spends in a federal institution when the First Step Act entitles them to a halfway house or home confinement is a day of “prerelease custody” that Congress promised but the BOP withheld.

As both Petitioner and the United States now agree, the proper remedy for that deprivation is a writ of habeas corpus. Section 2241 extends the writ of habeas corpus to a “prisoner” who is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Neither Petitioner nor the United States disputes that individuals in prison, halfway houses, or home confinement are in “custody” for the purpose of section 2241(c)(3). *See* Pet. Br. 16-17; U.S. Br. 27-30. Nor do Petitioner and the United States dispute that claims like Petitioner’s—

to move from custody in prison to the “prerelease custody” Congress mandated—are the proper subject of habeas relief. *See* Pet. Br. 15-34; U.S. Br. 24-35.

“[A] principal aim of the writ is to provide for swift judicial review of alleged unlawful restraints on liberty.” *Peyton v. Rowe*, 391 U.S. 54, 63 (1968). And this Court has been clear that such “unlawful restraints on liberty” need not be the difference between incarceration and complete freedom. “[A]t its core,” habeas is “a remedy for unlawful executive detention,” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020), and unlawful detention comes in many forms. Thus, in *Preiser v. Rodriguez*, this Court held that a request for release from imprisonment to parole fell within the “core of habeas.” 411 U.S. 475, 487 (1973). In *Skinner v. Switzer*, the Court reiterated that claims within the core of habeas seek to “terminate custody, accelerate the future date of release from custody, [or] reduce the level of custody.” 562 U.S. 521, 534 (2011) (emphasis added and alterations incorporated) (rejecting claim for DNA testing of evidence and quoting *Wilkinson v. Dotson*, 544 U.S. 74, 86 (2005) (Scalia, J., concurring)). And, most recently, in *Jones v. Hendrix*, this Court confirmed that Congress preserved the right for individuals to bring habeas challenges arguing they were “being detained in a place or manner not authorized by the sentence, [or] that [they] ha[d] unlawfully been denied parole or good-time credits.” 599 U.S. 465, 475 (2023) (citing *Samak v. Warden, FCC Coleman-Medium*, 766 F.3d 1271, 1280 (11th Cir. 2014) (Pryor, J., concurring)).

It is therefore well within the acknowledged core of habeas for Petitioner to seek transfer to prerelease custody according to the scheme that Congress

designed. Custody in a halfway house or home confinement is, as Petitioner explains, “distinct and materially less restrictive” than prison. Pet. Br. 5. As the experiences of FAMM’s members illustrate, this change makes a real and meaningful difference to a person’s experience, even though they remain in custody of the BOP. Because the difference between prison and prerelease custodial settings is so profound, the BOP’s failure to honor Congress’s mandate works a continuing and substantial deprivation of liberty. It is, in short, exactly the kind of unlawful restraint that the writ of habeas corpus exists to remedy, and exactly why individuals like Petitioner must be able to invoke that writ to enforce the First Step Act’s mandate.

ARGUMENT

I. The First Step Act requires the Bureau of Prisons to place eligible individuals in two forms of prerelease custody.

On December 20, 2018, Congress passed the First Step Act. The very next day, President Donald J. Trump signed it into law. Pub. L. 115-391, 132 Stat. 5194.

The Act was “not just bipartisan; it [was] nearly nonpartisan.” 164 Cong. Rec. S7749 (daily ed. Dec. 18, 2018) (statement of Sen. Leahy). The Act passed the Senate by a landslide vote of 87 to 12, and the House by a vote of 358 to 36. Govtrack, S. 756 (115th): First Step Act, perma.cc/25Z6-RWP8. President Trump rightly called this level of Congressional consensus “incredible” and “unheard of.” *Remarks by President Trump at Signing Ceremony for S. 756, the “First Step Act of 2018” and H.R. 6964, the “Juvenile Justice Reform Act of 2018,”* 2018 WL 6715859, *2-3 (2018).

Congressional leaders agreed. *See* 164 Cong. Rec. S7645 (daily ed. Dec. 17, 2018) (statement of Sen. Durbin) (praising the First Step Act’s “extraordinary political coalition”); 164 Cong. Rec. S7778 (daily ed. Dec. 18, 2018) (statement of Sen. Grassley) (commenting on the “diverse groups of people and organizations that support the bill”).

With this unique consensus, Congress enacted “the most significant criminal justice reform bill in a generation.” 164 Cong. Rec. S7649 (daily ed. Dec. 17, 2018) (statement of Sen. Grassley). The First Step Act introduced a host of correctional and sentencing reforms. And Congress spoke with unmistakable clarity in making many of its landmark reforms mandatory on the BOP: the First Step Act included the word “shall” in *181 places* across its amendments to the criminal code. *See* Pub. L. 115-391, 132 Stat. 5194. This language “imposes a mandatory command.” *Bufkin v. Collins*, 604 U.S. 369, 379 (2025).

Among these mandatory provisions was a new, Congressionally-crafted requirement that the BOP transfer eligible individuals to lower-security, non-prison custodial settings based on earned-time or good-time credits. Congress amended 18 U.S.C. § 3624, which governs “Release of a Prisoner,” to provide that eligible individuals “shall be placed in” two forms of prerelease custody: halfway houses or home confinement. 18 U.S.C. § 3624(g)(2).

A. Residential reentry centers, or “halfway houses”

In a halfway house, officially called a “residential reentry center,” an individual lives in a group setting involving substantially fewer restrictions than any level of prison. Residents also benefit from a wide

array of services that help them prepare for reentry. The BOP itself touts halfway houses as “provid[ing] a safe, structured, supervised environment, as well as employment counseling, job placement, financial management assistance, and other programs and services” allowing incarcerated individuals to “gradually rebuild their ties to the community.” BOP, *About Our Facilities*, perma.cc/4P6W-XDRM.

The rules at these facilities can differ from one another, but all are subject to regulation by the BOP. BOP, *About Our Facilities*, perma.cc/4P6W-XDRM. They are owned and operated by BOP contractors, who remain answerable in all respects to a BOP official known as the Regional Reentry Manager. Restrictions on residents’ liberty, while materially different from a prison regimen, are substantial. Residents “are generally expected to obtain gainful employment and adhere to several rules, including adhering to a curfew, not using illegal drugs, and obtaining ‘leave passes’ before departing” the halfway house. U.S. Gov’t Accountability Off., GAO-26-107353, *Bureau of Prisons: Actions Needed to Better Achieve Financial and Other Benefits of Moving Individuals to Halfway Houses on Time* (2026), at 7. Residents must submit detailed requests to leave the premises and obtain advance approval. While they are out, they must check in with staff to confirm their location, or send photos upon request proving they are where they promised to be.

Notwithstanding these restrictions, halfway houses by their very nature offer many opportunities that prisons do not. After receiving permission from the BOP, an individual may leave the halfway house during the day for “approved activities, such as

seeking employment, working, counseling, visiting, or recreation purposes.” BOP, *About Our Facilities*, perma.cc/4P6W-XDRM. Staff assist individuals in finding employment by using networks of local employers, as well as offering classes in resume writing and interview techniques. *Ibid.* The BOP expects individuals to have a full-time job within 15 calendar days of their arrival at the halfway house. *Ibid.*

Residents of halfway houses consistently report that halfway houses help them secure and maintain stable employment. In a study by the Government Accountability Office, a majority of halfway house residents surveyed “reported that they found the employment opportunities and resources available at their [house], such as resume writing courses, beneficial,” and these benefits included setting them up “for a long-term career,” helping “save money,” “learning how to use computers and cellular phones,” and helping “obtain licenses or certifications to work in fields like construction.” U.S. Gov’t Accountability Off., GAO-26-107353, *supra*, at 28. As described by one resident, their placement at a halfway house was formative in helping to “get their life back together.” *Id.* at 29.

Perhaps most meaningfully, residents “cite[] the opportunity to reconnect with family and friends as a significant benefit of living at [a halfway house].” U.S. Gov’t Accountability Off., GAO-26-107353, *supra*, at 29. While at a halfway house, residents may receive passes to spend time outside of the center with their families, which staff report as “an incentive to residents to work and integrate back into their communities.” *Ibid.*

All these programs—and the relative freedoms that halfway houses provide—not only distinguish halfway houses from traditional prison settings, but also make them instrumental in increasing parole completion and reducing criminal recidivism. Individuals who are successfully placed in halfway houses before reentry are “almost two times as likely to successfully complete parole” compared to “traditional parolees,” and “almost half as likely to recidivate” as compared to individuals “who were either released directly into the community or selected for halfway house programming and failed during transition.” Stephen M. Cox & John C. Kilburn, *The Impact of Halfway Houses on Parole Success and Recidivism*, 6 J. Socio. Rsch. 39, 49-50 (2015). Indeed, BOP officials agree “that individuals are less likely to return to the federal prison system, after living in and attending programming in [a halfway house].” GAO-26-107353, *supra*, at 14; *see also* BOP, *About Our Facilities*, [perma.cc/4P6W-XDRM](https://www.bop.gov/about/facilities) (halfway houses “provide programs that help inmates rebuild their ties to the community and reduce[] the likelihood that they will recidivate.”).

B. Home confinement

In the First Step Act, Congress also instructed the BOP to move as many individuals as possible into home confinement, allowing them to live under BOP supervision in their homes rather than behind bars. Congress made its intent unmistakably clear in the text of the statute: “[t]he Bureau of Prisons *shall*, to the extent practicable, place prisoners * * * on home confinement for the maximum amount of time permitted under this paragraph.” 18 U.S.C. § 3624(c)(2) (emphasis added).

Before the BOP transfers someone to home confinement, halfway house staff must conduct a home visit and approve the location. GAO-26-107353, *supra*, at 7 n.13. An individual in home confinement is subject to 24-hour electronic monitoring and must generally remain in their residence. 18 U.S.C. § 3624(g)(2)(A)(i). They may leave their homes, however, for several enumerated activities, including performing or looking for a job, performing community service, receiving medical treatment, attending religious activities, and participating in family activities. 18 U.S.C. § 3624(g)(2)(A)(i)(II). They also remain subject to a halfway house’s policies and must return to the halfway house weekly to participate in routine activities, as well as for drug and alcohol testing. GAO-26-107353, *supra*, at 7. Here, too, they must obtain advance approval to leave their homes for any approved activities and must check in regularly to prove their compliance with the conditions of their custody. Staff can make unannounced in-person checks at residences or workplaces at any time.

Although there are certainly restrictions imposed on people in home confinement, and they remain legally in BOP custody serving the final portion of their sentences, the difference between home confinement and incarceration in a correctional institution is stark: In home confinement, individuals function as community members, whereas in prison, they are separated from their communities. Individuals in home confinement can thus “remain in a reasonably regular social environment and maintain social relationships with family, friends, and the community” and “act as contributing members to society by continuing to participate in meaningful work, education, and religious

activities.” Jessica Bouchard & Jennifer S. Wong, *The New Panopticon? Examining the Effect of Home Confinement on Criminal Recidivism*, 13 VICTIMS & OFFENDERS 589, 591 (2018).

At the same time, individuals still receive the structure and support necessary to enable successful reentry. “[T]he structure and restrictions of [home confinement] on the individual’s daily routine, as well as the freedom of choice and ability to stay in control of their own lives, are believed to be associated with self-regulation and positive reintegration.” Bouchard, *supra*, at 591. It is therefore no surprise that “home confinement is cited as having fewer negative side effects (and more beneficial social impacts) compared with prison.” *Ibid.* And home confinement also reduces the risk of recidivism: Individuals “who are sentenced to home confinement are significantly less likely to commit a subsequent offense in comparison with offenders who are released from a custodial facility.” *Id.* at 602.

The BOP itself has recognized these substantial benefits of home confinement. In a 2025 directive to “expand the use of home confinement for eligible individuals under the First Step Act,” the BOP emphasized that reforms like home confinement have “helped individuals return to their communities with a recidivism rate significantly lower than the national average.” BOP, *Federal Bureau of Prisons Issues Directive to Expand Home Confinement, Advance First Step Act* (2025), perma.cc/YC3Q-TB3N. The BOP affirmed its responsibility to “ensure that eligible incarcerated individuals * * * are transferred to home confinement as soon as statutorily possible.” *Id.* at 1.

II. Prerelease custody is meaningfully different from traditional incarceration.

Congress instructed the BOP to move people to prerelease custody for good reason: those settings—while still forms of BOP control during the term of a custodial sentence imposed by a court—are materially different from confinement in a federal prison. While halfway houses and home confinement are undoubtedly still forms of custody, *see* Pet. Br. 34-36; U.S. Br. 31-32, they offer individuals substantially greater freedoms, and substantially more opportunities, than traditional carceral settings.

For many, placement in a halfway house or in home confinement is life changing—especially after years of incarceration. The experiences of several FAMM members illustrate firsthand the profound benefits these prerelease settings offer, and the clear difference between these settings and custody in an institution.

1. Cecilia Cardenas was born in Breckenridge, Texas and raised in Davenport, Iowa. During college, Cecilia’s boyfriend sold drugs—and Cecilia admits she made the “terrible” decision to start selling them, too. At the age of 24, a judge sentenced her to ten years in federal prison. But after seven years, Cecilia achieved legal eligibility to move to home confinement with an ankle monitor to serve the remainder of her sentence.²

² Cecilia’s story is available in full on FAMM’s website. FAMM, *Stories: Cecilia Cardenas*, FAMM.com (Oct. 4, 2022), perma.cc/TPX8-7GX6. Cecilia was transferred to home confinement under the CARES Act of 2020, not the First Step Act, but the impact and legal implications are the same.

Cecilia's move was transformative. The greater freedom afforded by home confinement allowed Cecilia to reconnect with her family, restart her education by enrolling at Saint Ambrose University, and get a job to support herself. Because of home confinement, Cecilia was able to spend the remainder of her sentence in a setting that allowed her to work towards her long-term goals, rather than merely waiting it out in prison. Ultimately, Cecilia pursued a Bachelor of Arts in finance, and started a small business providing accounting, bookkeeping, and payroll services. None of this would have been possible from within the walls of a federal institution.

2. Lauren³ pleaded guilty in November 2019 to a first-time, non-violent drug offense. A judge sentenced her to twelve-and-a-half years in federal prison. Thanks to the First Step Act's earned time credits, however, Lauren was able to move to home confinement in her mother's home in March 2026. There, Lauren has her own bedroom and bathroom. After living in prison conditions for years, having privacy and personal space made a significant difference in her overall well-being.

After being confined in federal prison for most of her 20s, Lauren identifies readjusting to life outside of prison as one of her greatest challenges. But her placement in home confinement under the First Step Act has significantly eased that adjustment.

For example, home confinement allows Lauren to draw on strong family support, which would have

³ FAMM's members have generously agreed to share their stories with the Court, but are identified here, unless otherwise expressly authorized, only by their first names.

been far more difficult to access from the prison yard. Lauren's mother and her mother's husband took her into their home and made sure she could attend all of her required check-ins and urinalysis appointments before she had her own car.

Most important, Lauren is able to spend time with her son. While she was in prison, their relationship was limited solely to video visits. Thanks to home confinement, Lauren can see him in person, spend quality time with him, and, in her words, "simply be his mom again." She explains that "having the opportunity to rebuild that relationship has been one of the greatest gifts of home confinement."

On home confinement, Lauren can also leave her home for approved activities like work, doctors' appointments, grocery shopping, and monthly social passes. Thanks to her relative freedom to come and go for work, Lauren was able to secure a full-time job in warehouse management, giving her purpose and the means to support herself and her son. More broadly, being able to participate in everyday life again—even simple activities like shopping or spending time in the community—makes a significant difference in Lauren's reentry process. For example, Lauren's placement in home confinement has allowed her to reconnect with her faith by visiting her family's local church or by participating in services online each week—something she could not do from prison.

Although Lauren will remain on home confinement under BOP control until 2028, her experiences and opportunities in this form of prerelease custody have been night-and-day from the confines of prison—and she has used those opportunities to rebuild her life, with her family's support.

3. Kellon was sentenced to four years in prison in 2023 in connection with a conspiracy to distribute drugs. He began earning time credits under the First Step Act shortly after arriving in his facility, and, after participating in programming and work assignments, earned a transfer to a halfway house in June 2025. Without the First Step Act, he likely would have remained incarcerated for another eight to twelve months before becoming eligible to move to prerelease custody.

At his halfway house, Kellon was subject to strict supervision and a curfew. He was able to leave the halfway house, however, to secure a job. In his words, “[e]mployment became the foundation of my stability and allowed me to begin rebuilding my life while supporting my family.” The halfway house also allowed Kellon to finally obtain necessary medical care for a torn Achilles tendon he suffered while in prison. The care available in the community was significantly greater than what he could access in prison, and with the help of his case manager, Kellon was able to find and begin treatment with a physical therapist.

In February 2026, Kellon transferred to home confinement. He continued his job, and the ability to work consistently and earn “an honest income” helped him maintain his sense of purpose. Home confinement also allowed him to further rebuild a normal life: He was able to spend holidays with his children, and even small things like having privacy in his own space made a big difference. He specifically cites as meaningful the ability to open a window and breathe fresh air. That may seem like a small thing, but, as Kellon explained, “in prison, you can’t even open a window.”

Looking back, Kellon describes the First Step Act as an important tool that helped him reunite with his family and begin rebuilding his life sooner than if he had remained in federal prison. In his words, the First Step Act's time credits gave him a second chance by shortening his time in prison and allowing him to get a head start on the hard work of rebuilding his life.

4. Not everyone has an easy time accessing the credits Congress granted them and to which they are legally entitled under the First Step Act. Petitioner Maxwell is one example; several of FAMM's members have faced similar barriers. These difficulties only underscore the importance of ensuring that eligible individuals have access to meaningful and timely judicial relief to enforce the law.

David was sentenced in March 2014 to more than 17 years in prison after pleading guilty to one count of conspiracy to commit mortgage fraud. His original projected release date was in 2031.

During David's incarceration, he devoted significant time to assisting others in the prison, including helping them understand compassionate-release procedures, clemency applications, and other legal matters. He viewed this activity as part of his rehabilitation, and a way to put the knowledge he gained in prison to service for others.

Thanks to David's good work and commitment to rehabilitation, statutory good-conduct credits reduced his projected release to 2029. And after Congress passed the First Step Act, David was able to participate in programming that granted him further credits toward prerelease custody. Ultimately, he became eligible for placement in prerelease custody in October 2025.

Ironically, given David's experience helping other individuals with their own early release credits, he had difficulty getting the BOP to honor his own. David's case manager was very helpful and recognized his positive institutional adjustment and his efforts to help himself and others during his incarceration. But broader administrative issues effectively prevented David from getting the full benefit of the credits Congress intended. Indeed, one of David's codefendants was moved to prerelease custody almost a year earlier than he was, despite their similar situations.

In October 2025, David's daughter, son-in-law, and grandson picked him up at the prison and helped him move into a local halfway house, where he lived in a dorm with eight other residents. He quickly secured a job and was able to begin making payments on the restitution portion of his sentence. In his spare time, he volunteered to clean the facility to stay busy, rather than simply sitting on his bunk. For the first time in over a decade, he was able to return to church. David's daughter, son-in-law, and grandchildren helped him get a computer and a cell phone to help with employment, appointments, check-ins, and staying in touch with friends and family, none of which was an option in traditional incarceration.

Two weeks later, the Bureau of Prisons approved David's move to home confinement, where he remains under the Bureau's supervision today. In his words, "the freedoms I value most [about home confinement] are ordinary." The first nights on home confinement were strange because they were quiet: David had to adjust to sleeping in a normal room, without guards or staff waking him for an attendance count. Being able to go grocery shopping, choosing what to eat, and

preparing a meal himself became some of the best parts of home confinement, and small freedoms that distanced him from his institutional life. So too, were mundane tasks like showering alone, doing laundry, or driving to work: Each was an opportunity to return to normal life that had been denied in prison.

After more than a decade in federal custody, home confinement is allowing David the opportunity to rebuild his relationship with his family. In prison, every phone call automatically ended after 15 minutes; often, David could not call back, so conversations were necessarily short and surface-level, or were truncated by the prison's phone system. But on home confinement, David can spend time with his family in person, and can talk for hours: listening, offering encouragement, answering questions, helping where possible, and simply being present. In David's words, "those ordinary interactions," impossible from prison, "help me feel like a father and grandfather again."

5. Annette, like David, had real difficulties getting the BOP to honor her earned-time credits. A judge sentenced her to 5 years in prison for her role in a drug conspiracy. Annette was entitled to credits under the First Step Act, but she experienced several delays. She filed multiple requests with the BOP for administrative remedies, but they were repeatedly delayed, rejected for technical reasons, or lost. She noted that many women she met from other federal prisons experienced similar problems with earned-time credit calculations and the inconsistent application of First Step Act credits.

Ultimately, Annette received only 30 days in a halfway house, but it gave her opportunities she never had in prison. She was able to leave the halfway house

to go to church, go to the gym, and attend other approved appointments. Even being able to buy her own clothes and do her own laundry—small, everyday tasks—gave her a much-needed sense of dignity, choice, and freedom after five years in prison.

Annette quickly secured two separate jobs, one at a retail store and another at a nonprofit, and excelled at both. In fact, based on Annette's success and work ethic, her manager urged her to refer other residents of the halfway house so she could hire them, too.

After Annette's short but transformative time in the halfway house, the BOP approved her transfer to home confinement for six months. Annette lived with her cousin where she had her own bedroom and bathroom in a house near the beach. Even from home confinement, Annette had to check in frequently with halfway house staff (answerable to the BOP), call them regularly, and send photos from each approved location when she left her home. And though she could not simply walk to the beach whenever she wanted, she often sat and read overlooking the ocean. In her own words, "those quiet moments brought a sense of peace and reminded me of what I was working toward."

Despite all the difficulty Annette had in securing her time in prerelease custody, her story has a happy ending: In January 2026, she was released from custody entirely, although she remains on supervised release, answerable to a U.S. probation officer and ultimately to the sentencing judge. Today, she continues to focus on creating a stable future and views home confinement as an important part of her successful reentry.

* * *

These stories are not outliers—they illustrate the real and meaningful benefits Congress accorded eligible individuals when it ordered the BOP to transfer them to prerelease custody. Thanks to that congressional mandate, each FAMM member had opportunities they did not when locked in federal prison. Cecilia returned to school and started a business. Lauren found steady work and reconnected with her family’s faith community. Kellon rejoined his family months earlier than he otherwise could have. And even where the BOP resisted application of the credits that Congress guaranteed, as it did for David and Annette, prerelease custody still gave them the tools to reenter their communities successfully once they were finally placed in it.

In sum: while individuals in prerelease custody under the First Step Act remain subject to BOP restrictions in halfway houses or home confinement, and thus “in custody” for purposes of 28 U.S.C. § 2241, their lives look much more like “freedom” than they did in prison—making the denial of prerelease custody the proper subject of review in a federal habeas proceeding. These differences make all the more apparent why individuals like Petitioner should be able to challenge the BOP’s wrongful denial of legally mandated credits and prerelease placements in a habeas petition under § 2241(c)(3).

CONCLUSION

Amicus FAMM respectfully urges this Court to reverse the decision below.

Respectfully submitted.

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AUGUST 2026