

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 RANKING MEMBER
JAMIE RASKIN AS *AMICUS CURIAE*
IN SUPPORT OF PETITIONER**

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INTEREST OF AMICUS CURIAE

Amicus is Ranking Member Jamie Raskin, a Member of the House of Representatives who played an essential role in passing the First Step Act of 2018 (“FSA” or the “Act”), Pub. L. No. 115-391, 132 Stat. 5194. In 2018, Representative Raskin was a Member of the House Judiciary Committee. Now, as Ranking Member of the House Judiciary Committee, he has ongoing oversight responsibilities to ensure that the Executive Branch is properly implementing the First Step Act. *Amicus* therefore has a strong interest in the courts’ proper interpretation of the remedies available to individuals who are denied benefits guaranteed to them by the First Step Act and can offer the Court unique insights concerning the First Step Act’s provisions and the law’s intended operation.¹

SUMMARY OF ARGUMENT

I. A decision by this Court recognizing the availability of habeas to enforce prerelease transfer would further Congress’s historic, bipartisan objectives in the First Step Act of 2018: promoting rehabilitation and reducing recidivism. Enacted by a “supermajority of Congress” and with President Trump’s strong support, *Hewitt v. United States*, 606 U.S. 419, 424 (2025), the First Step Act marked a deliberate turn by Congress toward a federal criminal justice system designed to prepare

1. Pursuant to Rule 37.6, *Amicus* states that no counsel for a party authored this brief in whole or in part, and that no person or entity other than *Amicus* or his counsel made a monetary contribution to fund its preparation and submission.

incarcerated people to reenter society as productive citizens. At the core of the statute was a new system of evidence-based recidivism reduction programs and fixed incentives that Congress directed the Bureau of Prisons (“BOP”) to provide to prisoners who participate in and successfully complete such programs. *See* 18 U.S.C. § 3632(d).

A key incentive of the statute is a new system of time credits that prisoners earn with the ultimate reward of early transfer to prerelease custody and supervised release. Recognizing the importance of fixed, predictable incentives to the success of the time-credit system, Congress rejected proposals that would have allowed BOP discretion to veto a prisoner’s transfer to prerelease custody and instead imposed a series of mandatory obligations on BOP. It provided that prisoners who complete such programming “shall earn” time credits. 18 U.S.C. § 3632(d)(4)(A). And it further provided that once a prisoner who satisfies the statutory eligibility criteria accrues sufficient time credits under this system, BOP “shall transfer” the eligible prisoner into prerelease custody or supervised release. *Id.* § 3632(d)(4)(C).

Congress understood that this incentives-based time-credit system would work to promote rehabilitation and reduce recidivism only if prisoners who earn prerelease custody actually receive it. It therefore reinforced BOP’s obligations under the First Step Act’s time-credit system at every turn, including by directing BOP to ensure it has capacity to provide prerelease custody to all eligible prisoners and appropriating funds to support that capacity. Congress also established oversight mechanisms to monitor BOP’s compliance with its obligations, including requiring an annual audit by the Attorney General and

independent reviews by the Government Accountability Office (“GAO”).

GAO’s audits have unfortunately documented BOP’s systemic failures to properly apply time credits for prisoners participating in recidivism reduction programs and to track prisoners’ eligibility for transfer to prerelease custody. These failures do not merely inconvenience individual prisoners; they undercut the heart of the incentives-based programs that Congress believed would promote the rehabilitation of prisoners and reduce recidivism. Habeas relief is therefore an important backstop to enforce the system of incentives and rewards on which the success of the First Step Act’s programs hinges.

II. Recognizing the availability of habeas to enforce a prisoner’s entitlement to transfer to prerelease custody under the First Step Act moreover accords with this Court’s historical understanding of the scope of habeas relief. A prisoner eligible for prerelease custody under the First Step Act “shall be placed” in either home confinement or a residential reentry center. 18 U.S.C. § 3624(g)(2)(A), (B). Although individuals transferred to these settings remain under BOP’s supervision, they experience a level of freedom and autonomy that is unlike anything available to individuals held in a federal prison. An individual in home confinement may live in their residence, work at a job, attend religious services, see family, and engage in other approved activities in their community. An individual in a residential reentry center has similar freedoms. In short, transfer to prerelease custody effects a fundamental change in the place and manner of a prisoner’s confinement.

This Court has long recognized habeas as a vehicle for challenging the “place or manner” of confinement. *Jones v. Hendrix*, 599 U.S. 465, 475 (2023). As both Petitioner and Respondent agree, a prisoner like Petitioner, who challenges the denial of transfer to prerelease custody under the First Step Act, therefore seeks a remedy within the core of habeas relief. That “history and precedent of using habeas corpus to review transfer claims,” *Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring), was well known to Congress when it drafted and passed the First Step Act. This Court should reaffirm the availability of habeas relief to enforce prerelease transfer claims as comfortably within the ambit of traditional habeas challenges to the place or manner of a prisoner’s confinement.

ARGUMENT

I. Recognizing the Availability of Habeas To Enforce Prerelease Custody Transfer Would Further the Historic Purposes of the First Step Act.

This Court should recognize the availability of habeas in this case as a critical means of enforcing transfers to prerelease custody to which prisoners are entitled under the First Step Act. Acting in overwhelmingly bipartisan fashion, Congress passed the First Step Act to promote rehabilitation and reduce recidivism by establishing a system of fixed, predictable incentives and rewards for prisoners that would allow them to earn an entitlement to prerelease custody. But that system works only if prisoners who earn prerelease custody in fact receive it. The writ of habeas corpus plays an important role in that scheme as a backstop to ensure that prisoners are placed in prerelease custody when they are entitled to it under

the statute. Regrettably, such a backstop is needed: In this way, the availability of habeas plays a critical role in furthering Congress’s goals of promoting rehabilitation and reducing recidivism in the prison system.

A. Congress Passed the First Step Act To Promote Rehabilitation and Reduce Recidivism Through an Incentive-Based Scheme.

In passing the First Step Act of 2018, Congress enacted “the most significant criminal justice reform bill in a generation,” 164 Cong. Rec. S7649 (Dec. 17, 2018) (statement of Sen. Charles Grassley)—“the crown jewel of criminal justice reform,” 164 Cong. Rec. H10361 (Dec. 20, 2018) (statement of Rep. Bob Goodlatte); *see also* 164 Cong. Rec. S7646 (Dec. 17, 2018) (statement of Sen. Richard Durbin) (describing the Act as “one of the most historic changes in criminal justice legislation in our history”). The product of an “extraordinary political coalition across the parties,” 164 Cong. Rec. S7645 (Dec. 17, 2018) (statement of Sen. Richard Durbin), the First Step Act’s enactment was truly bipartisan: the law passed Congress by a supermajority and was signed into law with the enthusiastic backing of President Trump, *Hewitt*, 606 U.S. at 424; *see* Remarks by President Trump at Signing Ceremony for S. 756, 2018 WL 6715859 (Dec. 21, 2018) (statement of President Trump) (observing the law’s “incredible bipartisan support”); 164 Cong. Rec. H10363 (Dec. 20, 2018) (statement of Rep. Hakeem Jeffries) (“[T]he House of Representatives comes together as Americans . . . Democrats and Republicans, the left and the right, progressives and conservatives, the National Urban League and the Koch brothers, the House and the Senate, as well as the Trump administration . . .”).

The statute moreover reflected a “turning point” in Congress’s views of how to advance criminal justice. 164 Cong. Rec. S7749 (Dec. 18, 2018) (statement of Sen. Patrick Leahy). For decades, Congress had pursued an ever-more-punitive approach to criminal justice. But “[i]n the First Step Act, Congress sought to recalibrate its approach.” *Pulsifer v. United States*, 601 U.S. 124, 155 (2024) (Gorsuch, J., dissenting). In particular, the First Step Act “place[d] a new focus on rehabilitation” and reducing recidivism, 164 Cong. Rec. H10361 (Dec. 20, 2018) (statement of Rep. Bob Goodlatte), with the goal that “currently incarcerated individuals . . . can successfully reenter society, transform themselves, [and] become productive citizens,” thereby “dramatically reduc[ing] recidivism[] and sav[ing] taxpayer dollars,” 164 Cong. Rec. H10363 (Dec. 20, 2018) (statement of Rep. Hakeem Jeffries). In other words, the Act reflects Congress’s belief that prisons should “serve as places where rehabilitation takes place, [so that] hopefully people can take advantage of the opportunity once they have made a mistake and served their time to transform their own lives into productive citizens.” 164 Cong. Rec. S7747 (Dec. 18, 2018) (statement of Sen. John Cornyn); *see also* 165 Cong. Rec. H1357 (Feb. 5, 2019) (State of the Union Address of President Trump) (“The First Step Act gives nonviolent offenders the chance to reenter society as productive, law-abiding citizens. . . . America is a nation that believes in redemption.”).

The cornerstone through which Congress sought to pursue its complementary goals of promoting rehabilitation and reducing recidivism was a new system of evidence-based recidivism reduction programs with a track record of success. *See* 18 U.S.C. §§ 3621(h), 3631(b)(2). Congress mandated that such programs be available across the

federal prison system, and that prisoners be incentivized to participate in the programs. To that end, the Act directed that the Attorney General and BOP “shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs.” 18 U.S.C. § 3632(d); 164 Cong. Rec. S7745 (Dec. 18, 2018) (statement of Sen. Richard Blumenthal) (“[The FSA] gives prisoners incentives to earn skills in prison so that they can be productive members of society after they have paid their debt.”).

These evidence-based recidivism reduction programs include valuable quality-of-life improvements in prison—enhanced phone and visitation privileges, consideration for transfer to a prison closer to the prisoner’s residence and family, expanded access to email and prison commissaries, and the like. *See* 18 U.S.C. § 3632(d)(1)-(3). But a key incentive is a system of time credits that prisoners earn with the ultimate reward of early transfer to prerelease custody and supervised release. *Id.* § 3632(d)(4); 164 Cong. Rec. S7746 (Dec. 18, 2018) (statement of Sen. John Cornyn) (“I think we, as human beings, all operate based on incentives, and the incentive for prisoners is to go through the program, gain the earned credit so that they can be released [to] . . . for example, a halfway house.”). Congress believed that such a system would promote rehabilitation because it “gives to those who are in prison an incentive to develop skills and training and education levels that will serve them when they leave in order to reduce recidivism and reduce the commission of crime in the future.” 164 Cong. Rec. S7022 (Nov. 15, 2018) (statement of Sen. Richard Durbin); 164 Cong. Rec. H10361 (Dec. 20, 2018) (statement of Rep. Bob Goodlatte) (“The First Step Act will incentivize prisoners to participate in evidence-based

recidivism reduction programs, productive activities, and jobs that will actually reduce the risk of recidivism.”).

This system of time credits left no room for discretion. Congress dictated that prisoners “shall earn” credits at a particular rate based on program participation and the prisoners’ good behavior. 18 U.S.C. § 3632(d)(4)(A). And the statute imposed a mandatory duty on the Director of the Bureau of Prisons to transfer prisoners into prerelease custody or supervised release once they accrued sufficient time credits and satisfied all other statutory criteria. *Id.* § 3632(d)(4)(C) (“The Director of the Bureau of Prisons *shall transfer* eligible prisoners . . . into prerelease custody or supervised release,” emphasis added, cross-referencing 18 U.S.C. § 3624(g)); *see also id.* § 3624(g)(2) (providing that an eligible prisoner “shall be placed” in prerelease custody). And to ensure BOP could fulfill this mandate, Congress also ordered that the Director “shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners,” 18 U.S.C. § 3624(g)(11), and annually has appropriated funds so that BOP can satisfy that mandate. *See, e.g.,* Consolidated Appropriations Act of 2024, Pub. L. No. 118-42, 138 Stat. 25, 139 (appropriating \$409 million to FSA programs).

Congress was absolutely clear that this scheme was to be mandatory, having overwhelmingly rejected a proposal to grant prison wardens “veto authority” over prisoners’ transfers to prerelease custody as inconsistent with the Act’s “objective, evidence-based system.” 164 Cong. Rec. S7780 (Dec. 18, 2018) (statement of Sen. Charles Grassley). Its repeated use of the mandatory word “shall” ensured that all eligible prisoners would earn, and have applied, their time credits. *See Me. Cmty. Health Options v.*

United States, 590 U.S. 296, 310 (2020) (“The first sign that the statute imposed an obligation is its mandatory language: ‘shall.’”); *see* Antonin Scalia & Bryan A. Garner, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 114-15 (2012) (“[W]hen the word *shall* can reasonably be read as mandatory, it ought to be so read.”). In short, the First Step Act’s text guarantees that all eligible prisoners with time credits must receive the reward of transfer to prerelease custody, “creat[ing] an obligation” on BOP that is “impervious to . . . discretion.” *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998); *see also* *Valladares v. Ray*, 130 F.4th 74, 77 (4th Cir. 2025) (The First Step Act “established a system of mandatory time credits for incarcerated individuals who participate in recidivism reduction programming”).

B. Habeas Is an Important Backstop To Ensure Congress’s Scheme Is Effective.

As described above, the heart of the First Step Act’s time-credit system is a simple promise: that prisoners will be rewarded with prerelease custody if they “take personal responsibility for their mistakes and . . . will put in the time and effort to turn their lives around.” 164 Cong. Rec. S7838 (Dec. 19, 2018) (statement of Sen. Charles Grassley). For that promise to have its intended effect and achieve Congress’s goals of promoting rehabilitation and reducing recidivism, Congress believed it must have teeth. Without the ability to enforce the benefits they earn—including entitlement to prerelease transfer through the accrual of time credits—the First Step Act’s scheme of incentives would not be effective at shaping prisoner behavior in the way Congress envisioned.

Understanding the importance of enforcement to the scheme's success, Congress included several oversight mechanisms to monitor BOP's progress. Congress ordered the Department of Justice to appoint an expert, "nonpartisan[,] and nonprofit" independent review committee to review BOP's recidivism assessments, to develop recidivism reduction programs, and to conduct ongoing research and monitoring. First Step Act of 2018, Pub. L. No. 115-391 § 107; *see* 18 U.S.C. §§ 3632(a), 3633(a); *see also* 164 Cong. Rec. S7314 (Dec. 5, 2018) (statement of Sen. Ben Cardin) (explaining the importance of this "added guardrail"). The law also required the Attorney General to develop a training program for BOP staff and conduct annual "quality assurance" audits of BOP's implementation of the time-credit system. 18 U.S.C. § 3632(f), (g). Finally, Congress ordered the Government Accountability Office ("GAO"), a legislative-branch watchdog agency, to conduct its own reviews and issue reports. First Step Act of 2018, Pub. L. No. 115-391 § 103; 18 U.S.C. § 4126(d).

These reporting mechanisms have documented significant progress in implementing the First Step Act's reforms. But they have also shown that the measures in the law are not by themselves an adequate guarantee of the FSA's promise. GAO has found systemic, ongoing failures by BOP, which has not fully complied with the Act's directives to provide the time-credit system equally to all prisoners and to transfer eligible prisoners to prerelease custody as required by the law. For example, although Congress established the First Step Act's time-credit system across the federal prison system, GAO has found that BOP's leadership has not consistently implemented the statute's procedures across all BOP

facilities and regions. Gov’t Accountability Off., No. GAO-26-107268, *Federal Prisons: Improvements Needed to the System Used to Assess and Mitigate Incarcerated People’s Recidivism Risk* 56-57 (Jan. 2026).² BOP has not even been able to measure the extent to which it has failed to transfer prisoners who have earned the requisite credits: the agency reported to GAO that it does “not know how many individuals are currently in prison that could have already transferred to [a residential reentry center] or home confinement.” Gov’t Accountability Off., No. GAO-26-107353, *Bureau of Prisons: Actions Needed to Better Achieve Financial and Other Benefits of Moving Individuals to Halfway Houses on Time* 11 (Feb. 2026).³ Because it has not maintained accurate and timely data regarding the prisoners who are eligible for prerelease custody and when, BOP can determine if a particular prisoner is eligible for prerelease custody only by “review[ing] the records for each incarcerated individual.” *Id.* at 13; see also, e.g., Gov’t Accountability Off., No. GAO-23-105139, *Federal Prisons: Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System* 18 (Mar. 2023) (similarly observing BOP’s failure to collect “readily-available, complete, and accurate data” to implement the First Step Act).⁴

GAO’s work suggests that BOP’s failures threaten to undercut the promise of the First Step Act for thousands of eligible prisoners who dedicated themselves to rehabilitation. BOP has fully applied all time credits as

2. <https://www.gao.gov/assets/gao-26-107268.pdf>.

3. <https://www.gao.gov/assets/gao-26-107353.pdf>.

4. <https://www.gao.gov/assets/gao-23-105139.pdf>.

required by the Act to only 29 percent of the prisoners who have earned them. Report No. GAO-26-107268, *supra*, at 49-50. In other words, for 71 percent of eligible prisoners, BOP has failed to properly apply some or all of a prisoner's time credits earned through recidivism reduction programs. *Id.* As a result, 54 percent of all eligible prisoners would have already been transferred to "prerelease custody if BOP had applied all or some of the individual's FSA time credits" as required by the Act. *Id.* at 50. Moreover, because "[residential reentry centers] and home confinement are generally less expensive than the average cost of operating federal prisons," BOP's failure to transfer eligible individuals to prerelease custody wastes millions of dollars every year. Report No. GAO-26-107353, *supra*, at 32. Accordingly, GAO recommended, BOP should carry out its duty to "transfer [individuals] as soon as they are eligible" for prerelease custody. *Id.* at 32-33.

When BOP fails to transfer prisoners who have earned time credits that entitle them to prerelease custody, it undermines Congress's goals reflected in the First Step Act. For the First Step Act's scheme of rewards and incentives to work as Congress intended, individual prisoners must receive the benefit of the time credits and prerelease custody for which they have worked. As the law's primary advocate in the Senate explained, the reward of prerelease custody must be guaranteed to every prisoner who earns it. "If a low-or-minimal-risk inmate works hard to make themselves ready to be productive citizens and community leaders or members, then they ought to reap the rewards of that work under the First Step Act"; it would defeat the whole scheme to "have a person step in" and deny prerelease custody to an otherwise eligible prisoner. 164 Cong. Rec. S7780 (Dec.

18, 2018) (statement of Sen. Charles Grassley); *see also* 164 Cong. Rec. S7782 (Dec. 18, 2018) (statement of Sen. Chris Van Hollen) (“[T]he goal of criminal justice reform is rehabilitation and reducing recidivism and restricting incentives would defeat that purpose.”).

It is therefore clear that habeas is needed as a backstop to ensure that BOP performs its mandatory duty to transfer prisoners to prerelease custody when they have earned the time credits that entitle them to that transfer. By allowing for judicial enforcement of the First Step Act’s incentive-based system, recognizing the availability of habeas would “effectuate the will of Congress,” which it is this Court’s “duty” to do. *Rutherford v. United States*, 146 S. Ct. 1320, 1334 (2026) (quoting *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 395 (2024)). This Court should construe the federal habeas statute to provide a clear remedy for eligible prisoners to seek transfer to prerelease custody to “comport with the statutory scheme that Congress enacted” in the First Step Act. *See Hewitt*, 606 U.S. at 438-39 (rejecting a narrow interpretation of the First Step Act).

Although recognizing that Petitioner’s claim is cognizable in habeas, the government contends that Congress precluded judicial review in 18 U.S.C. § 3621(b). Resp. Br. 36-40. That provision affords BOP discretion to “designat[e] a [prisoner’s] place of imprisonment,” taking certain factors into account, and deems BOP’s designation “under this subsection” as “not reviewable by any court.” As the text indicates, that provision refers to BOP’s designation of a prison facility for a prisoner, and its preclusion of judicial review is limited to decisions “under this subsection.” Congress provided for prerelease

custody transfers in a different statutory provision, so § 3621(b) does not apply to claims like Petitioner's. *See* 18 U.S.C. § 3632(d)(4)(C) (providing for transfer to prerelease custody "as determined under [18 U.S.C. §] 3624(g)"); *see, e.g., Popoola v. Scales*, No. 25 Civ. 390, 2025 WL 3473370, at *8-10 & n.6 (E.D. Va. Dec. 3, 2025) (adopting this reading).

II. Recognizing the Availability of Habeas To Enforce Prerelease Custody Is Also Consistent with This Court's Historical Understanding of the Writ.

The ultimate incentive Congress provided through the First Step Act—transfer to prerelease custody—falls squarely within the historical scope of habeas relief long recognized by this Court and well known to Congress when it passed the First Step Act. An individual transferred to prerelease custody is placed in home confinement or a residential reentry center. In either location, an individual in prerelease custody experiences confinement that is qualitatively different from a federal prison in terms of the place of confinement. This fundamental alteration in the place and manner of a prisoner's confinement falls comfortably within the scope of challenges that this Court has for over a century recognized may be brought in a habeas action. *See, e.g., In re Bonner*, 151 U.S. 242, 259 (1894) (granting writ of habeas corpus where petitioner was validly convicted but confined to the wrong type of carceral facility in violation of statute); *see also* Pet'r Br. 21-29.

A. A Writ of Habeas Seeking Transfer to Pre-release Custody Challenges the Place or Manner of Confinement in Federal Prison.

Under the First Step Act, an individual transferred to prerelease custody is confined in a fundamentally different place and manner than they are in prison. Although the transferred individual remains under the supervision of BOP, that is where the similarities end.

There are two types of prerelease custody in which an eligible prisoner “shall be placed” under the First Step Act—home confinement or a residential reentry center (also known as a “halfway house” or “community confinement center”). 18 U.S.C. § 3624(g)(2)(A), (B).⁵ If an individual is released to home confinement, the individual will reside at their own home or the home of a family member that has been inspected and approved by BOP. *See* Report No. GAO-26-107353, *supra*, at 7 & n.13. The individual is subject to 24-hour electronic monitoring but may leave the residence for approved activities, such as employment in the community, recidivism reduction programs, community service, religious activities, and family-related activities. 18 U.S.C. § 3624(g)(2)(A)(i)(I), (II).

A prisoner released to a residential reentry center similarly experiences a level of freedom and autonomy that “cannot possibly be equated” with federal prison. *United States v. Parker*, 902 F.2d 221, 222 (3d Cir. 1990).

5. Time credits may also be applied to accelerate a prisoner’s release to a term of supervised release, which is not relevant to the question presented. *See* 18 U.S.C. §§ 3632(d)(4)(C), 3624(g)(3).

The most obvious difference is the place of confinement. An individual in federal prison is purposefully “removed from the community” while an individual transferred to a halfway house is “controlled and restricted *within the community*.” *United States v. Adler*, 52 F.3d 20, 21 (2d Cir. 1995) (per curiam) (emphasis added). The manner of confinement also distinguishes a residential reentry center from a federal prison. By statute, the conditions at a residential reentry center must provide conditions “so as to most effectively prepare such prisoners for reentry” into the community. 18 U.S.C. § 3624(g)(4); *see also id.* § 3624(c)(1) (requiring that a residential reentry center “afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community”). For example, an individual staying at a residential reentry center is “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.” Report No. GAO-26-107353, *supra*, at 6-7. In other words, individuals in a residential reentry center can work, worship, volunteer, and learn side-by-side with everyday members of their community—an impossibility within a federal prison. That essential difference in conditions reflects Congress’s different purpose in establishing residential reentry centers, which is to help individuals “reacclimate to life outside prison” and “prepare to reenter their communities . . . while residing in a structured living environment.” *Id.* at 1-2, 31.

The place and manner of confinement in such programs are “qualitatively different” from federal prison. *Woodall v. Fed. Bureau of Prisons*, 432 F.3d 235, 243 (3d Cir. 2005) (quoting *United States v. Latimer*, 991 F.2d 1509, 1513 (9th Cir. 1993)); *see also* Pet’r Br. 36. Indeed, the

terms of a residential reentry center are more analogous to the manner of custody imposed on individuals released from federal prison to supervised release, probation, or, under the predecessor system, parole. *Compare* 18 U.S.C. § 3583(d) (conditions of supervised release); *id.* § 4209 (1987) (conditions of parole); *see also id.* § 3563(b) (authorizing conditions of supervised release and probation that, among other things, restrict an individual’s employment, personal relationships, place of residence, travel, and require 24-hour electronic monitoring).

B. Such Challenges Are Within the Well-Understood Scope of Habeas.

Given the fundamental differences between prerelease custody and incarceration in a federal prison, Petitioner’s request for transfer to prerelease custody—whether to home confinement or to a halfway house—falls squarely within the historical scope of relief available in a habeas proceeding. This Court has consistently held that “immediate physical release [is not] the only remedy under the federal writ of habeas corpus.” *Peyton v. Rowe*, 391 U.S. 54, 67 (1968). Rather, habeas corpus is also the proper vehicle for a prisoner who challenges the “place or manner” of their confinement as well as the unlawful denial of “parole or good-time credits.” *Jones v. Hendrix*, 599 U.S. 465, 475 (2023); *see also Wilkinson v. Dotson*, 544 U.S. 74, 86 (2005) (Scalia, J., concurring) (explaining that “permissible habeas relief . . . includes ordering a quantum change in the level of custody” (internal quotations omitted)).

As Petitioner explains, Pet’r Br. 21-29, and Respondent agrees, Resp. Br. 16-19, this Court has recognized habeas

jurisdiction over prisoners’ challenges to the place or manner of their confinement for at least a century, *see, e.g., In re Bonner*, 151 U.S. at 259 (recognizing availability of habeas “where the punishment imposed, in the mode, extent, or place of its execution, has exceeded the law”); *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973) (holding that the habeas statute “clearly applies” where petitioner sought to restore good-time credits and so “attack[ed] the validity of his confinement”); *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (holding that petitioners’ challenges to transfer to foreign prison “fall within the ‘core’ of the writ of habeas corpus”).

As a result, when Congress drafted and passed the First Step Act, the “history and precedent of using habeas corpus to review transfer claims” were clear. *J.G.G.*, 604 U.S. at 674 (Kavanaugh, J., concurring). And that case law necessarily formed the backdrop against which Congress drafted and passed the First Step Act. *See Ysleta Del Sur Pueblo v. Texas*, 596 U.S. 685, 700 (2022) (“This Court generally assumes that, when Congress enacts statutes, it is aware of this Court’s relevant precedents.”). As a matter of respect for a coordinate branch of government, the Court should construe the scope of habeas relief to be consistent with its prior precedent (and with Congress’s expectations) and ensure that prisoners are not denied the benefits that Congress mandated. *See Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 233-34 (2020) (observing, in context of construing availability of habeas relief, that the Court “normally assume[s] that Congress is ‘aware of relevant judicial precedent’ when it enacts a new statute” (quoting *Merck & Co. v. Reynolds*, 559 U.S. 633, 648 (2010))).

CONCLUSION

For the foregoing reasons, *Amicus* Ranking Member Raskin respectfully requests that the Court reverse the decision below.

Respectfully submitted,

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