

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-5930

WILLIAM MAXWELL, PETITIONER

v.

SANDRA DINIS, ACTING WARDEN

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

MOTION OF THE RESPONDENT FOR DIVIDED ARGUMENT

Pursuant to Rules 21 and 28.4 of the Rules of this Court, the Solicitor General, on behalf of respondent, respectfully moves for divided argument in this case. Respondent requests that petitioner and respondent each be allotted 15 minutes of argument time and that the appointed amicus curiae be allotted 30 minutes of argument time. Counsel for petitioner consents to this motion.

This case presents the question whether a claim regarding application of time credits under the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, seeking accelerated transfer to a halfway house or home confinement, can be brought in a habeas petition under 28 U.S.C. 2241. The court of appeals held that habeas "is not the proper vehicle" for such a claim, which instead should be brought in "a civil rights suit under Bivens v. Six

Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).” J.A. 35. Respondent agrees with petitioner that that holding is incorrect and has therefore filed a brief supporting vacatur of the judgment below.

The government has a substantial interest in the Court’s resolution of the question presented. The Federal Bureau of Prisons, a component of the Department of Justice, operates the federal prisons and administers the First Step Act time-credits program. The government is accordingly a party to this case, and every case in which the question presented arises. The government also has a strong interest in the interpretation and application of Section 2241 and the First Step Act, as well as the scope of Bivens. Division of argument will therefore materially assist the Court in its consideration of this case.

The government has participated in oral argument in many prior cases in which the Court appointed an amicus curiae to defend the judgment below, including cases involving the First Step Act and the federal habeas statutes. See, e.g., Bowe v. United States, 607 U.S. 13 (2026); Hewitt v. United States, 606 U.S. 419 (2025); Jones v. Hendrix, 599 U.S. 465 (2023). The government respectfully submits that the same course is warranted here.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

SEPTEMBER 2026