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CORRLINKS Newsletter Blockages Continue; FSA Calculations Lag; Beware Second Chance Act (SCA) "Bait and Switch;" Memo to DOJ: BOP "Drug Treatment" Deserves Investigation; Review of Offenses That Make You FSA Ineligible; Sixth Circuit Case Vacates Sentence Reduction Resentencing Based Upon Potential Inadequate Representation;

By Derek Gilna, Director of Research

When CORRLINKS put a nationwide block on our email, and at the same time ended the mass emailing of newsletters and case updates for all advocates, religious organizations, and legal services, it effectively choked off communication between thousands of subscribers, including individuals receiving critical research, consultative, and humanitarian services. This action, initiated by BOP career bureaucrats, was just another episode of that agency's long policy of justifying censorship in the name of "institutional security." However, several weeks after the block began, it still remains unclear how reducing email transmissions to one subscriber at a time makes prisons safer. Were criminal provocateurs sending out mass mailings to prisoners? Highly unlikely.

Regardless, when one door closes, another opens, and reliable sources indicate to me that given the sorry state of the agency's computer services, more widespread use of tablets has been fast-tracked. Pending the end of the government funding shutdown, which limits expenditures for all but essential services (food, medicine, medical care, toilet paper) expect some positive news on this front within 30 days of the government reopening.

However, this from Coleman Low: "Medical pill line is telling us they are not doing prescription refills due to government shutdown. People are going to start dying soon. Look at what happens when you stop heart medications and blood pressure pills abruptly."

Another topic of concern is the recalculation of flawed FSA and SCA sentence credits, which is still keeping thousands of prisoners confined past their proper "out" dates. Although Central Office policy to maximize and stack the all applicable sentence credits. is now common knowledge, given that prison staff have received the written memos and training videos, the problem still exists. Unfortunately, there have been some reports of staff retaliation after frustrated prisoners have asked for the correction of clearly incorrect release dates. Until the backlog of recalculations is completed, we offer our expertise and assistance in getting you home as early as possible.

Another point of contention has been what we will call SCA "Bait and Switch," where you are promised 365 days of halfway house/home confinement (maxed out at one year for SCA only), but instead receive perhaps 90 days. We can assist with this problem also. It should not be necessary to state that you are "homeless" to receive a lengthy SCA placement, and you should not be penalized for requesting relocation from your district of sentencing to where your family resides or a job awaits.

We have often written about out suspicion that DOJ could mine a rich vein of criminal prosecutions if it investigated the scandalous lack of halfway houses and FSA release facilities seven years after FSA became law, (not to mention the often-inhumane lack of medical treatment, and inadequate staff response time to prisoner medical emergencies). We have it on good authority that investigators are zeroing in on who actually received the hundreds of millions of FSA money. The BOP would then add its name to the list of federal government agencies whose taxpayer dollars

ended up in the hands of bad actors and deep-swamp functionaries, instead of where Congress and the taxpayers intended.

We have written dozens of times about another BOP scandal-in-plain view, BOP "drug treatment." The BOP MAT program. This program not only also received untold millions of dollars in funding while producing minimal results, but also caused real harm. Although the RDAP program has been, on the whole, a positive, it has been unnecessarily watered down by the BOP's strange rule, shortly after RDAP became law, to deny the one-year sentence credit to drug and alcohol addicts who have a firearms conviction ANYWHERE in their criminal backgrounds, not just in their current offense. Only the 9th Circuit has seen fit to void this ridiculous agency edict, which is ripe for a LOPER Bright-based challenge. In an agency where the percentage of addicted individuals is at least 50%, this is yet another waste of taxpayer money. By denying the sentence credit to people who would benefit from the program, the BOP does what up to now it has done best-waste money.

The biggest scandal, however, is MAT. Although some institutions provide the alternative drug therapy necessary to keep people from re-offending, most institutions do not, keeping serious addicts out of the program until 90 days prior to release. What is the purpose of this? To make them vulnerable to the steady stream of drugs entering the institution through the front door?

"I was on the MAT program (at another prison); been getting high my whole life, and had to jump through all kinds of hoops to get on the program before. I got transferred to FCI Fairton and they kicked me off the program as soon as I got here-told me they don't have the program here, so I would be taken off. Now, they call people up a week before they go home and put them on the program. I don't understand how they can get away with it; tried to file bp8, bp9 and they just come up missing. I'm telling you this is wrong," This is not just happening at Fairton.

As we have discussed many times, if you have a 925c, you are ineligible for FSA sentence credits (although you can still get SCA). Some of the other offenses that disqualify you are the following: "Section 2250, Section 2251, Section 2251A,) Section 2252, Section 2252A, Section 2260, Section 2283, Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin IF the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, or any analogue thereof, Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, IF the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act. (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that—"(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl- N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, or any analogue thereof; AND "(II) the offender was an organizer, leader, manager, or supervisor of others in the offense."

The key here is of course the "Leader, Organizer" designation. It must be made by the SENTENCING COURT, not the BOP. Start your remedies now and get in contact with us.

An interesting case from the Sixth Circuit deals both with the issue of inadequate representation of counsel, as well as a successful sentence reduction from a reduced Guideline. In US v Riley, 24-1287, (6th Cir. October 9, 2025). the defendant pled guilty in 2016 to conspiracy to possess with intent to distribute controlled substances, receiving a sentence of 160 months based on his criminal history and offense level. In 2023, a retroactive amendment to the Sentencing Guidelines reduced his criminal history category, lowering his guideline range. The defendant, through appointed counsel, and the government stipulated to a new recommended sentence of 144 months, which the district court imposed.

After resentencing, the defendant filed a pro se motion for reconsideration, asserting that his counsel had agreed to the stipulation without his knowledge or consent and that he wished to argue for a lower sentence. The United States District Court for the Eastern District of Michigan denied the motion, reasoning that because the defendant was represented by counsel, his pro se filing constituted improper hybrid representation. The court instructed that any motion for reconsideration should be filed through counsel.

On appeal, the United States Court of Appeals for the Sixth Circuit held that when a defendant raises a specific and serious allegation that counsel acted without his knowledge or against his wishes on a fundamental matter, the district court is obligated to inquire into the nature of the attorney-client relationship, regardless of whether the defendant used "magic words" or filed through counsel. The Sixth Circuit found that the district court erred by denying the motion solely on the basis of hybrid representation without conducting such an inquiry. The court vacated the district court's judgment on the motion for reconsideration and remanded for further proceedings, instructing the district court to determine whether the defendant wishes to dismiss his counsel and whether he is entitled to do so, and then to address the merits of his motion.

Senior Presidential Counselor Peter Navarro, who was jailed for several months for refusing to testify to Congress as to private conversations during President Trump's first term, has written a compelling book that exposes the dysfunction of the BOP and helped spur the new Director's reforms. You can order "I Went To Prison So You Won't Have To" on Amazon, Here's the underlying link: https://amzn.to/4219iSo.

The past weeks of email blockages and restriction of newsletter delivery shows the critical need for you to share our email with your loved ones so that we can continue sending them uncensored news which they can then forward to you. If you have not already done so, send an invite to dagilna1948@yahoo.com, and be sure to share our news with your friends.

Never quit, never surrender. Let not your heart be troubled.

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