

While the BOP considers the recommendation of the sentencing judge in its decision for placement in any drug abuse education course,¹ it is the BOP that determines whether to admit inmates to RDAP.² Many other factors weight in that decision. In any event, the court's language in the judgment in question cannot be construed other than as a recommendation for RDAP. No amendment of the judgment is required.

I do note that regrettably many federal inmates who need drug treatment are delayed or denied program services because of the BOP's lack of resources.³ In 2012, only 14,464 inmates were able to participate nationwide in RDAP,⁴ even though there are more than 200,000 federal prisoners.

For the reasons stated, the motion (ECF No. 214) is DENIED.

It is so **ORDERED**.

ENTER: February 24, 2014

/s/ James P. Jones
United States District Judge

¹ 28 C.F.R. § 550.51(b)(iii) (2013).

² 28 C.F.R. § 550.53(e) (2013).

³ U.S. Gov't Accountability Office, GAO-12-743, *Bureau of Prisons: Growing Inmate Crowding Negatively Affects Inmates, Staff and Infrastructure* 69-70 (2012).

⁴ Fed. Bureau of Prisons, *Report to the Judiciary Committee, United States Congress*, attachment II (Dec. 2012).