

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 25-1165-cr

Caption [use short title]

Motion for: expedited briefing schedule

Set forth below precise, complete statement of relief sought:

Defendant-Appellant moves for the Appellant's Brief to
be due on or before July 26, 2025, the Appellee's Brief
to be due 60 days after the filing of the Appellant's Brief,
and the Appellant's Reply to be due 14 days after the
filing of the Appellee's Brief

United States v. Wenke

MOVING PARTY: Counsel for Luke M. Wenke

OPPOSING PARTY: United States of America

☐ Plaintiff☒ Defendant☒ Appellant/Petitioner☐ Appellee/Respondent

MOVING ATTORNEY: Timothy P. Murphy, AFPD

OPPOSING ATTORNEY: Tiffany H. Lee, AUSA

[name of attorney, with firm, address, phone number and e-mail]

Federal Public Defender's Office, WDNY

United States Attorney's Office, WDNY

300 Pearl Street, Suite 200, Buffalo, New York 14202

100 State Street, Suite 500, Rochester, New York 14614

(716) 551-3341; timothy_murphy@fd.org

(585) 263-6760; tiffany.lee@usdoj.gov

Court- Judge/ Agency appealed from: Hon. John L. Sinatra, Jr.

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No

If yes, enter date:

Signature of Moving Attorney:

/s/ Timothy P. Murphy

Date: June 2, 2025

Service by: ☒ CM/ECF☐ Other

[Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

25-1165-CR

v.

**DECLARATION IN SUPPORT OF
MOTION TO EXPEDIT BRIEFING
SCHEDULE**

LUKE M. WENKE,

Defendant-Appellant.

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

TIMOTHY P. MURPHY, pursuant to 28 U.S.C. 1746 and subject to the penalties for perjury, hereby declares the following to be true and correct:

1. I am an assistant federal public defender for the Western District of New York. Our office represents the defendant-appellant Luke M. Wenke in this matter. Mr. Wenke respectfully Defendant-Appellant, Luke M. Wenke, requests an expedited briefing schedule in the above captioned appeal.

2. Mr. Wenke has filed a timely notice of appeal regarding the District Court's April 23, 2025 Decision and Order of Commitment. *See* WDNY file no. 1:22-cr-00035, dkt. 194. A motion for a stay of that decision and order was denied by the District Court on May 16, 2025. *Id.* at dkt. 205.

3. On May 28, 2025, I filed a motion for a stay pending appeal with this Court. *See* 2d Cir. dkt. 12. That motion is pending.

4. With the agreement of the government, the Appellant's Brief will be due on or before July 26, 2025. The Appellee's Brief will be due 60 days after the filing of the Appellant's brief. Finally, the Appellant's Reply Brief will be due 14 days after the filing of the Appellee's Brief.

5. Pursuant to Local Rule 27.1, we have notified the government of this motion. The government does not oppose the requested briefing schedule and will not be filing a response to this motion.

WHEREFORE, it is respectfully requested that this Court set an expedited briefing schedule with the Appellant's Brief due on or before July 26, 2025; the Appellee's Brief due 60 days after the filing of the Appellant's Brief; and, the Appellant's Reply Brief due 14 days after the filing of the Appellee's Brief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Buffalo, New York, on June 2, 2025.

/s/ Timothy P. Murphy

TIMOTHY P. MURPHY