

W.D.N.Y.
22-cr-35
Sinatra, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of September, two thousand twenty-five.

Present:

John M. Walker, Jr.,
Robert D. Sack,
Eunice C. Lee,
Circuit Judges.

United States of America,

Appellee,

v.

25-1165


Luke Marshall Wenke,

Defendant-Appellant.

Appellant, through counsel, moves for a stay pending appeal of the district court's April 23, 2025 provisional sentence of imprisonment, ordering Appellant committed to the custody of the Attorney General for care or treatment in a suitable facility in lieu of being sentenced to imprisonment. The Government opposes. Upon due consideration, it is hereby ORDERED that the motion is DENIED because Appellant has not met the requisite standard for a stay pending appeal. *See Nken v. Holder*, 556 U.S. 418, 426 (2009).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

The seal of the United States Court of Appeals for the Second Circuit is circular. It features a blue outer ring with the words "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the ring, the words "SECOND CIRCUIT" are written in white on a blue background.