



U.S. Department of Justice

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October 15, 2025

Catherine O'Hagan Wolfe
Clerk of the Court
United States Court of Appeals
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Wenke*
Docket No.: 25-1165-cr

Dear Ms. Wolfe:

Pursuant to this Court's order (Doc. 42.1), this is to advise that in the opinion of this office, the appeal is moot. The sole issue on this appeal is whether the district court committed error in issuing a Decision and Order of Commitment pursuant to 18 U.S.C. § 4244. As the Court is aware, Defendant-Appellant Luke Marshall Wenke has since been released from that commitment.

Article III, Section 2 of the United States Constitution limits the subject matter of the federal courts to cases that present a "case or controversy." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Thus, where the issues presented by the party in an action are "no longer live or the party lacks a legally cognizable interest in the outcome," the federal action is properly considered moot. *United States v. Suleiman*, 208 F.3d 32, 36 (2d Cir. 2000) (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)). Accordingly, now that Wenke has been released from commitment, there is no live case or controversy and this case is moot.

Respectfully submitted,

MICHAEL DIGIACOMO
United States Attorney

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BY: TIFFANY H. LEE
Assistant United States Attorney
Chief, Appellate Division

cc: Timothy Patrick Murphy, Esq. (via ACMS)