

**ACMS Docket Report**  
**United States Court of Appeals for the Second Circuit**

**Court of Appeals Docket #:** 25-1165

**Docketed:** 05/06/2025

United States of America v. Wenke

**Appeal From:** WDNY (BUFFALO)

**Fee Status:** IFP Granted

**Case Type Information:**

- 1) Criminal
- 2) Post-Conviction
- 3)

**Originating Court Information:**

**District:** WDNY (BUFFALO) : [1:22-cr-35-1](#)

**Trial Judge:** John L. Sinatra, Jr., District Judge

**Magistrate Judge:** H. Kenneth Schroeder, Jr., Magistrate Judge

**Date Filed:** 03/15/2022

**Date Order/Judgment:**

04/23/2025

**Date Order/Judgment EOD:**

04/23/2025

**Date NOA Filed:**

05/01/2025

**Date Rec'd COA:**

05/02/2025

**Prior Cases:**

None

**Current Cases:**

None

UNITED STATES OF AMERICA

Appellee

Tiffany H. Lee, Assistant United States Attorney

[US Attorney]

United States Attorney's Office for the Western District of New York

Criminal

138 Delaware Avenue

Buffalo, NY 14202

Katherine A. Gregory, Assistant U.S. Attorney

Direct: 716-843-5827

[US Attorney]

United States Attorney's Office for the Western District of New York

Criminal

138 Delaware Avenue

Buffalo, NY 14202

LUKE MARSHALL WENKE

Defendant - Appellant

Timothy Patrick Murphy, -

Direct: 716-551-3341

[Federal Public Defender]

Federal Public Defender

Western District of New York

300 Pearl Street

Suite 200

Buffalo, NY 14202

United States of America,

Appellee,

v.

Luke Marshall Wenke,

Defendant - Appellant.

5/2/2025	<input type="checkbox"/> <a href="#">1</a>	NOTICE OF CRIMINAL APPEAL, with district court docket, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 05/06/2025 11:56 AM]
5/2/2025	<input type="checkbox"/> <a href="#">2</a>	DISTRICT COURT DECISION AND ORDER OF COMMITMENT, dated 04/23/2025, RECEIVED. [Entered: 05/06/2025 11:57 AM] [Edited: 05/07/2025 07:14 AM]
5/6/2025	<input type="checkbox"/> <a href="#">3</a>	CRIMINAL APPEAL, on behalf of Appellant Luke Marshall Wenke, received on 05/02/2025, OPENED. [Entered: 05/06/2025 12:02 PM]
5/6/2025	<input type="checkbox"/> <a href="#">4</a>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 05/06/2025 by ACMS. [Entered: 05/06/2025 04:16 PM]
5/6/2025	<input type="checkbox"/> <a href="#">5</a>	FORM B, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 05/06/2025 by ACMS. [Entered: 05/06/2025 04:18 PM]
5/7/2025	<input type="checkbox"/> <a href="#">6</a>	PRO SE DOCUMENTS, to attorney Timothy Patrick Murphy, SENT. [Entered: 05/07/2025 11:51 AM]
5/7/2025	<input type="checkbox"/> <a href="#">7</a>	ELECTRONIC INDEX, in lieu of record, FILED. [Entered: 05/07/2025 02:43 PM]
5/7/2025	<input type="checkbox"/> <a href="#">8</a>	NEW CASE MANAGER, Jessica McKenzie, ASSIGNED. [Entered: 05/07/2025 03:37 PM]
5/13/2025	<input type="checkbox"/> <a href="#">9</a>	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of AppelleeUSA United States of America, FILED. Service date 05/13/2025 by ACMS. [Entered: 05/13/2025 12:19 PM]
5/16/2025	<input type="checkbox"/> <a href="#">10</a>	NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL/ADDITIONAL COUNSEL, on behalf of United States of America, FILED. [Entered: 05/16/2025 03:40 PM]
5/16/2025	11	ATTORNEY, Katherine A. Gregory for AppelleeUSA United States of America, ADDED. [Entered: 05/16/2025 03:54 PM]
5/28/2025	<input type="checkbox"/> <a href="#">12</a>	MOTION, to stay the district court proceedings, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 05/28/2025 by ACMS. [Entered: 05/28/2025 01:21 PM]
5/30/2025	13	SEALED DOCUMENTS, on behalf of Appellant Luke Marshall Wenke, RECEIVED. [Entered: 05/30/2025 01:20 PM]
6/2/2025	<input type="checkbox"/> <a href="#">14</a>	MOTION, to expedite appeal, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 06/02/2025 by ACMS. [Entered: 06/02/2025 12:12 PM]
6/9/2025	<input type="checkbox"/> <a href="#">15</a>	OPPOSITION, to Motion to stay the district court proceedings, at docket entry 12, on behalf of Appellee United States of America, FILED. Service date 06/09/2025 by ACMS. [Entered: 06/09/2025 10:54 AM]
6/16/2025	<input type="checkbox"/> <a href="#">16</a>	MOTION ORDER, granting motion to expedite appeal, appellants brief is due 07/26/2025 at docket entry 14, on behalf of Appellant Luke Marshall Wenke, by MP, FILED. [Entered: 06/16/2025 11:44 AM]
7/22/2025	<input type="checkbox"/> <a href="#">17</a>	BRIEF, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 11:30 AM]
7/22/2025	18	JOINT APPENDIX, volume 1 of 2, (pp. 1 - 255), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 11:32 AM]
7/22/2025	19	JOINT APPENDIX, volume 2 of 2, (pp. 256 - 446), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 11:35 AM]

7/22/2025	<input type="checkbox"/> <a href="#">20</a>	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellee United States of America, informing Court of proposed due date 10/21/2025, RECEIVED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 01:15 PM]
7/22/2025	<input type="checkbox"/> <a href="#">21</a>	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee's United States of America, Brief due date as 10/21/2025, FILED. [Entered: 07/22/2025 02:59 PM]
7/22/2025	<input type="checkbox"/> <a href="#">22</a>	DEFECTIVE DOCUMENT, Appendix volume 1, at docket entry 18, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/22/2025 03:53 PM]
7/22/2025	<input type="checkbox"/> <a href="#">23</a>	DEFECTIVE DOCUMENT, Appendix volume 2, at docket entry 19, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/22/2025 03:59 PM]
7/22/2025	<input type="checkbox"/> <a href="#">24</a>	LETTER, dated 07/22/2025, regarding briefing schedule, on behalf of Appellee United States of America, RECEIVED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 04:15 PM] [Edited: 07/22/2025 04:39 PM]
7/23/2025	<input type="checkbox"/> <a href="#">25</a>	JOINT APPENDIX, volume 1 of 2, (pp. 1 - 255), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/23/2025 by ACMS. [Entered: 07/23/2025 10:39 AM]
7/23/2025	26	JOINT APPENDIX, volume 2 of 2, (pp. 256 - 446), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/23/2025 by ACMS. [Entered: 07/23/2025 10:41 AM]
7/23/2025	<input type="checkbox"/> <a href="#">27</a>	DEFECTIVE DOCUMENT, Appendix volume 2, at docket entry 26, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/23/2025 01:25 PM]
7/23/2025	<input type="checkbox"/> <a href="#">28</a>	JOINT APPENDIX, volume 2 of 2, (pp. 256 - 446), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/23/2025 by ACMS. [Entered: 07/23/2025 02:05 PM]
7/23/2025	29	CURED DEFECTIVE DOCUMENT, Appendix, at entry 28, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/23/2025 03:17 PM]
7/24/2025	<input type="checkbox"/> <a href="#">30</a>	ORDER, dated 07/24/2025, withdrawing the government's scheduling letter. Setting Appellee United States of America brief due date as 09/22/2025 , FILED. [Entered: 07/24/2025 11:51 AM]
7/24/2025	32	SEALED PRE-SENTENCE REPORT, on behalf of Appellant Luke Marshall Wenke, RECEIVED. [Entered: 07/30/2025 10:59 AM]
7/25/2025	<input type="checkbox"/> <a href="#">31</a>	SPECIAL APPENDIX, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/25/2025 by ACMS. [Entered: 07/25/2025 03:48 PM]
8/13/2025	<input type="checkbox"/> <a href="#">33</a>	BRIEF, on behalf of Appellee United States of America, FILED. Service date 08/13/2025 by ACMS. [Entered: 08/13/2025 01:20 PM]
8/13/2025	<input type="checkbox"/> <a href="#">34</a>	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of Appellee United States of America, FILED. Service date 08/13/2025 by ACMS. [Entered: 08/13/2025 02:42 PM]
8/13/2025	<input type="checkbox"/> <a href="#">35</a>	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of Appellant Luke Marshall Wenke, FILED. Service date 08/13/2025 by ACMS. [Entered: 08/13/2025 03:07 PM]
8/27/2025	<input type="checkbox"/> <a href="#">36</a>	SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 08/27/2025 03:23 PM]
9/9/2025	<input type="checkbox"/> <a href="#">37</a>	MOTION ORDER, denying motion to stay the district court proceedings at docket entry 12, on behalf of Appellant Luke Marshall Wenke, by JMW, RDS, ECL, FILED. [Entered: 09/09/2025 03:04 PM]

9/10/2025	<input type="checkbox"/> <a href="#">38</a> 1 pg. 768 KB	CERTIFIED ORDER, dated 09/09/2025, to United States District Court for the Western District of New York, ISSUED. [Entered: 09/10/2025 09:28 AM]
9/17/2025	39	CASE CALENDARING, for the week of 10/15/2025, PROPOSED. [Entered: 09/17/2025 04:28 PM]
9/24/2025	40	CASE CALENDARING, on submission for 10/15/2025, SET. [Entered: 09/24/2025 12:49 PM]
10/10/2025	<input type="checkbox"/> <a href="#">41</a> 1 pg. 192 KB	SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 10/10/2025 04:48 PM]
10/14/2025	<input type="checkbox"/> <a href="#">42</a> 1 pg. 224 KB	ORDER, dated 10/14/2025, directing the parties to each file a supplemental letter on or before 10/16/2025, FILED. [Entered: 10/14/2025 03:38 PM] [Edited: 10/14/2025 03:45 PM]
10/15/2025	43	CASE, to JMW, DJ, JFB, SUBMITTED. [Entered: 10/15/2025 10:20 AM]
10/15/2025	<input type="checkbox"/> <a href="#">44</a> 1 pg. 192 KB	LETTER, dated 10/15/2025, regarding response to order dated 10/14/2025, on behalf of Appellee United States of America, RECEIVED. Service date 10/15/2025 by ACMS. [Entered: 10/15/2025 11:08 AM] [Edited: 10/15/2025 12:42 PM]
10/15/2025	<input type="checkbox"/> <a href="#">45</a> 1 pg. 256 KB	LETTER, dated 10/15/2025, regarding response to order dated 10/14/2025, on behalf of Appellant Luke Marshall Wenke, RECEIVED. Service date 10/15/2025 by ACMS. [Entered: 10/15/2025 02:30 PM] [Edited: 10/15/2025 04:22 PM]
10/16/2025	<input type="checkbox"/> <a href="#">46</a> 1 pg. 192 KB	NEW CASE MANAGER, Atasha Joseph, ASSIGNED. [Entered: 10/16/2025 03:36 PM]
10/16/2025	<input type="checkbox"/> <a href="#">47</a> 1 pg. 224 KB	ORDER, dated 10/16/2025, dismissing the appeal as moot, by JMW, DJ, JFB, FILED. [Entered: 10/16/2025 03:44 PM]
10/16/2025	<input type="checkbox"/> <a href="#">48</a> 1 pg. 224 KB	APPEAL, pursuant to court order, dated 10/16/2025, DISMISSED. [Entered: 10/16/2025 03:48 PM]
12/15/2025	<input type="checkbox"/> <a href="#">49</a> 1 pg. 928 KB	CERTIFIED COPY OF ORDER, dated 10/16/2025, determining the appeal to WDNY, ISSUED.[Mandate] [Entered: 12/15/2025 02:11 PM]