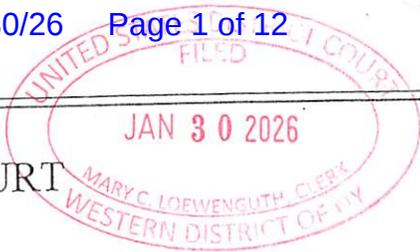


(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)



UNITED STATES DISTRICT COURT

for the

Western District of New York

Luke Marshal Wenke

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Andrew Clark, Katie Valentine

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

26-cv-00181 JLS

(to be filled in by the Clerk's Office)

JURY TRIAL: Yes ___ No ___

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Luke Marshal Wenke
 All other names by which you have been known: -
 ID Number 607742
 Current Institution Monroe County Jail
 Address 130 S. Plymouth Ave
Rochester NY 14614
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Katie Valentine
 Job or Title (if known) Typist; Home Based Office
 Shield Number _____
 Employer Buffalo Federal Probation
 Address _____
 _____ NY _____
City State Zip Code
 Individual capacity Official capacity

Defendant No. 2

Name Andrew Clark
 Job or Title (if known) FBI Agent, Terrorism Task Force
 Shield Number _____
 Employer Buffalo FBI
 Address 1 FBI Plaza
Buffalo NY 14202
City State Zip Code
 Individual capacity Official capacity

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____ City _____ State _____ Zip Code

Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

_____ City _____ State _____ Zip Code

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- Federal officials (a *Bivens* claim)
- State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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Free Speech, Privacy Rights

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Robert H. Jackson US Courthouse, Buffalo FBI, Katie Valentines residence

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

October 1st, 2025 - December 31st, 2025

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Katie had immediate access to US District Judge John L. Sinatra Jr.'s emails while she was on a "don't contact" list against me, and now she is working with Andrew to falsely manipulate an FBI Discovery against me containing social media posts and emails that were never even sent. She has had help from others in the last year to publish on a website entitled "lukewenkeonline" and a Facebook page entitled "The Luke Wenke Files", violating my HIPPA rights, too. She received my first FBI Discovery January 2022 two days after the arrests. Victoria Bahl of the Rochester Federal Public Defenders Office and Marianne Mariano of the Buffalo Federal PD office can verify this.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

December 17th, 2025 I was cornered in the Salamanca Family Dollar parking lot by 3 FBI agents (who answer to Andrew) who pointed guns at me and broke my blood vessels with Monroe County Jail medical records there to show the medication I had afterwards.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

A court ordered arrangement stating that all future arrest attempts against ^{me} that have anything to do with electronic communications should come with an initial peaceful approach to me from federal officers to talk it out first with no arrest involved since past examples have proven they currently have no respect my Free Speech rights which they take out of context and past examples have shown they arrest me (and others) over emails and social media posts not even from me at all. NY state troopers don't charge at someone and violently arrest them the minute they have an email or social media post on paper. My situation shows that I need a court ordered arrangement with federal officers stating their requirement to peacefully approach me and speak to me first without arresting me.

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

N/A

E. If you did file a grievance:

1. Where did you file the grievance?

—

2. What did you claim in your grievance?

—

3. What was the result, if any?

—

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

This has nothing to do with an incarceration institution

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Victoria Bahl (585-263-6201) Marianne Mariano (716-551-3341) US Appeals Judge Debra Livingston
48 Foley Square
New York, NY 10007

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A Pro Se lawsuit required, my mother Janet McCaul called you from [REDACTED]

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No *N/A*

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/15/26

Signature of Plaintiff [Handwritten Signature]
Printed Name of Plaintiff Luke Marshal Wenke
Prison Identification # 607742 (Monte County Jail)
Prison Address 130 S. Plymouth Ave.
Rochester NY 14614
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____
City State Zip Code
Telephone Number _____
E-mail Address _____



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Hello,

Thank you for taking the time to review my Pro Se court papers submission. The Sergeant here told me to have Kelly Newton from commissary sign the papers proving the \$405 you need is there, and that she did. Kelly included other paperwork for you. I am sending in this fifth envelope. My mother Janet McCaul of Salamanca NY called you at [REDACTED] a few weeks ago. There is a \$250 per 10 days maximum submission on our accounts here, otherwise I would have had these filed sooner. I can't call 585-613-4000, your phone number, from the jail phones otherwise I would have. Hopefully I filled everything out correctly.

I will not ramble too much, but I feel as though a brief hello is needed. I was Cattaraugus County Libertarian Chairman before Covid, and my maternal grandmother was Carrollton NY Justice of the Peace Carolyn Giardini. Families of judges should not be facing judges in their own country unless there's a major sociology issue taking place. If you do your research, you may find that the federal judge who is related to Buffalo's Peter Gerace of Pharaoh's likely agrees. Wenke v. Wenke was overturned by the NY Supreme Court late 1995, as it was my own relatives laying the foundation for NY state grandparents' rights. I have an attorney out in Massachusetts waiting to be paid to take all of my circumstances to the US Supreme Court, and his payment should come his way in no more than a few months. The 2nd Circuit of US Appeals is also aware of my circumstances.

All of my claims in the Pro Se application are true, and I hope

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that the US Marshals can serve papers to Andrew and Katie as soon as possible, The Robert H Jackson US Courthouse cannot ~~be~~ play hot potato with me forever the way they recently did. Victoria Bahl and Karen Francanti agree.

The \$405 is on my account here at Monroe County Jail, and I will be looking everyday to see when you subtract it for your court fee needs. Her name is Janet McCaul (my mother who called you and helped with the finances) and her number is [REDACTED]. She is with Chris Spocum, he is an employee of Casa Trinity halfway house outside Olean NY, and he can provide any in person help that may be needed as this moves along.

Thank you for the help,

- Luke Wenke

CIVIL COVER SHEET 26-cv-00181-JLS

the JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

(a) PLAINTIFFS
Luthe Marshal Wenke
Cattaraugus County
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Victoria Bahl
28 E. Main St. Suite #400
Rochester, NY 14614 585-263-6201

DEFENDANTS
Andrew Clark and Katie Valentine
Erie County
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

I. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

Table with 4 main columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE