

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

<b>Court of Appeals Docket #:</b> 25-1165 United States of America v. Wenke <b>Appeal From:</b> WDNY (BUFFALO) <b>Fee Status:</b> IFP Granted	<b>Docketed:</b> 05/06/2025 <b>Termed:</b> 10/16/2025								
<b>Case Type Information:</b> 1) Criminal 2) Post-Conviction 3)									
<b>Originating Court Information:</b> <b>District:</b> WDNY (BUFFALO) : <a href="#">1:22-cr-35-1</a> <b>Trial Judge:</b> John L. Sinatra, Jr., District Judge <b>Magistrate Judge:</b> H. Kenneth Schroeder, Jr., Magistrate Judge <b>Date Filed:</b> 03/15/2022									
<table style="width:100%; border: none;"> <tr> <td style="width:25%;"><b>Date Order/Judgment:</b></td> <td style="width:25%;"><b>Date Order/Judgment EOD:</b></td> <td style="width:25%;"><b>Date NOA Filed:</b></td> <td style="width:25%;"><b>Date Rec'd COA:</b></td> </tr> <tr> <td>04/23/2025</td> <td>04/23/2025</td> <td>05/01/2025</td> <td>05/02/2025</td> </tr> </table>		<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>	04/23/2025	04/23/2025	05/01/2025	05/02/2025
<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>						
04/23/2025	04/23/2025	05/01/2025	05/02/2025						
<b>Prior Cases:</b> None									
<b>Current Cases:</b> 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  [1](#) NOTICE OF CRIMINAL APPEAL, with district court docket, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 05/06/2025 11:56 AM]  
21 pg. 256 KB
- 5/2/2025  [2](#) 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]  
11 pg. 320 KB
- 5/6/2025  [3](#) CRIMINAL APPEAL, on behalf of Appellant Luke Marshall Wenke, received on 05/02/2025, OPENED. [Entered: 05/06/2025 12:02 PM]  
23 pg. 448 KB
- 5/6/2025  [4](#) 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]  
1 pg. 160 KB
- 5/6/2025  [5](#) FORM B, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 05/06/2025 by ACMS. [Entered: 05/06/2025 04:18 PM]  
1 pg. 192 KB
- 5/7/2025  [6](#) PRO SE DOCUMENTS, to attorney Timothy Patrick Murphy, SENT. [Entered: 05/07/2025 11:51 AM]  
4 pg. 1,997 KB
- 5/7/2025  [7](#) ELECTRONIC INDEX, in lieu of record, FILED. [Entered: 05/07/2025 02:43 PM]  
30 pg. 608 KB
- 5/7/2025  [8](#) NEW CASE MANAGER, Jessica McKenzie, ASSIGNED. [Entered: 05/07/2025 03:37 PM]  
1 pg. 192 KB
- 5/13/2025  [9](#) 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]  
1 pg. 160 KB
- 5/16/2025  [10](#) NOTICE OF APPEARANCE AS SUBSTITUTE COUNSEL/ADDITIONAL COUNSEL, on behalf of United States of America, FILED. [Entered: 05/16/2025 03:40 PM]  
1 pg. 160 KB
- 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  [12](#) 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]  
227 pg. 5,120 KB
- 5/30/2025 13 SEALED DOCUMENTS, on behalf of Appellant Luke Marshall Wenke, RECEIVED. [Entered: 05/30/2025 01:20 PM]
- 6/2/2025  [14](#) 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]  
3 pg. 320 KB
- 6/9/2025  [15](#) 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]  
16 pg. 256 KB
- 6/16/2025  [16](#) 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]  
1 pg. 256 KB
- 7/22/2025  [17](#) BRIEF, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/22/2025 by ACMS. [Entered: 07/22/2025 11:30 AM]  
20 pg. 416 KB
- 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  [20](#) 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]  
1 pg. 192 KB
- 7/22/2025  [21](#) 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]  
1 pg. 192 KB
- 7/22/2025  [22](#) DEFECTIVE DOCUMENT, Appendix volume 1, at docket entry 18, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/22/2025 03:53 PM]  
2 pg. 224 KB
- 7/22/2025  [23](#) DEFECTIVE DOCUMENT, Appendix volume 2, at docket entry 19, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/22/2025 03:59 PM]  
2 pg. 224 KB
- 7/22/2025  [24](#) 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]  
1 pg. 192 KB
- 7/23/2025  [25](#) 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]  
258 pg. 7,168 KB
- 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  [27](#) DEFECTIVE DOCUMENT, Appendix volume 2, at docket entry 26, on behalf of Appellant Luke Marshall Wenke, FILED. [Entered: 07/23/2025 01:25 PM]  
2 pg. 224 KB
- 7/23/2025  [28](#) 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]  
194 pg. 5,120 KB
- 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  [30](#) 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]  
1 pg. 256 KB
- 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  [31](#) SPECIAL APPENDIX, on behalf of Appellant Luke Marshall Wenke, FILED. Service date 07/25/2025 by ACMS. [Entered: 07/25/2025 03:48 PM]  
15 pg. 512 KB
- 8/13/2025  [33](#) BRIEF, on behalf of Appellee United States of America, FILED. Service date 08/13/2025 by ACMS. [Entered: 08/13/2025 01:20 PM]  
20 pg. 800 KB
- 8/13/2025  [34](#) 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]  
1 pg. 672 KB
- 8/13/2025  [35](#) 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]  
1 pg. 192 KB
- 8/27/2025  [36](#) SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 08/27/2025 03:23 PM]  
1 pg. 192 KB
- 9/9/2025  [37](#) 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]  
1 pg. 192 KB

- 9/10/2025  [38](#) 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]  
1 pg. 768 KB
- 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  [41](#) SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 10/10/2025 04:48 PM]  
1 pg. 192 KB
- 10/14/2025  [42](#) 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]  
1 pg. 224 KB
- 10/15/2025 43 CASE, to JMW, DJ, JFB, SUBMITTED. [Entered: 10/15/2025 10:20 AM]
- 10/15/2025  [44](#) 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]  
1 pg. 192 KB
- 10/15/2025  [45](#) 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]  
1 pg. 256 KB
- 10/16/2025  [46](#) NEW CASE MANAGER, Atasha Joseph, ASSIGNED. [Entered: 10/16/2025 03:36 PM]  
1 pg. 192 KB
- 10/16/2025  [47](#) ORDER, dated 10/16/2025, dismissing the appeal as moot, by JMW, DJ, JFB, FILED. [Entered: 10/16/2025 03:44 PM]  
1 pg. 224 KB
- 10/16/2025  [48](#) APPEAL, pursuant to court order, dated 10/16/2025, DISMISSED. [Entered: 10/16/2025 03:48 PM]  
1 pg. 224 KB
- 12/15/2025  [49](#) CERTIFIED COPY OF ORDER, dated 10/16/2025, determining the appeal to WDNY, ISSUED.[Mandate] [Entered: 12/15/2025 02:11 PM]  
1 pg. 928 KB
- 4/29/2026  [50](#) PAPERS, on behalf of Appellant Luke Marshall Wenke, RECEIVED. [Entered: 04/29/2026 12:58 PM]  
3 pg. 1,636 KB
- 4/29/2026  [51](#) PRO SE DOCUMENTS, to attorney Timothy Patrick Murphy, SENT. [Entered: 04/29/2026 01:06 PM]  
4 pg. 1,825 KB