

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

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| Court of Appeals Docket #: 25-1165 United States of America v. Wenke Appeal From: WDNY (BUFFALO) Fee Status: IFP Granted | Docketed: 05/06/2025 Termed: 10/16/2025 | | |
| 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.

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| 5/2/2025 | <input type="checkbox"/> 1 | 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"/> 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] |
| 5/6/2025 | <input type="checkbox"/> 3 | 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"/> 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] |
| 5/6/2025 | <input type="checkbox"/> 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] |
| 5/7/2025 | <input type="checkbox"/> 6 | PRO SE DOCUMENTS, to attorney Timothy Patrick Murphy, SENT. [Entered: 05/07/2025 11:51 AM] |
| 5/7/2025 | <input type="checkbox"/> 7 | ELECTRONIC INDEX, in lieu of record, FILED. [Entered: 05/07/2025 02:43 PM] |
| 5/7/2025 | <input type="checkbox"/> 8 | NEW CASE MANAGER, Jessica McKenzie, ASSIGNED. [Entered: 05/07/2025 03:37 PM] |
| 5/13/2025 | <input type="checkbox"/> 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] |
| 5/16/2025 | <input type="checkbox"/> 10 | 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"/> 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] |
| 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"/> 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] |
| 6/9/2025 | <input type="checkbox"/> 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] |
| 6/16/2025 | <input type="checkbox"/> 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] |
| 7/22/2025 | <input type="checkbox"/> 17 | 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] |

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| 7/22/2025 | <input type="checkbox"/> 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] |
| 7/22/2025 | <input type="checkbox"/> 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] |
| 7/22/2025 | <input type="checkbox"/> 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] |
| 7/22/2025 | <input type="checkbox"/> 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] |
| 7/22/2025 | <input type="checkbox"/> 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] |
| 7/23/2025 | <input type="checkbox"/> 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] |
| 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"/> 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] |
| 7/23/2025 | <input type="checkbox"/> 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] |
| 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"/> 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] |
| 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"/> 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] |
| 8/13/2025 | <input type="checkbox"/> 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] |
| 8/13/2025 | <input type="checkbox"/> 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] |
| 8/13/2025 | <input type="checkbox"/> 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] |
| 8/27/2025 | <input type="checkbox"/> 36 | SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 08/27/2025 03:23 PM] |
| 9/9/2025 | <input type="checkbox"/> 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] |

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| 9/10/2025 | <input type="checkbox"/> 38 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"/> 41 1 pg. 192 KB | SUBMITTED NOTICE, to attorneys/parties, TRANSMITTED. [Entered: 10/10/2025 04:48 PM] |
| 10/14/2025 | <input type="checkbox"/> 42 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"/> 44 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"/> 45 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"/> 46 1 pg. 192 KB | NEW CASE MANAGER, Atasha Joseph, ASSIGNED. [Entered: 10/16/2025 03:36 PM] |
| 10/16/2025 | <input type="checkbox"/> 47 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"/> 48 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"/> 49 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] |