

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JAMES WESLEY BURGER,  
Defendant.

No. 1:25-cr-332-ADA

**NOTICE OF APPEAL**

The United States appeals to the United States Court of Appeals for the Fifth Circuit from this Court's order of December 10, 2025 (ECF No. 91), dismissing the Superseding Indictment against Defendant James Wesley Burger.

Respectfully submitted,

JUSTIN R. SIMMONS  
UNITED STATES ATTORNEY

By: /s/ Mark T. Roomberg

MARK T. ROOMBERG  
Texas Bar No. 24062266  
KEITH HENNEKE  
Texas Bar No. 24054497  
Assistant United States Attorneys  
601 N.W. Loop 410, Suite 600  
San Antonio, Texas 78216  
(210) 384-7100

**Certificate of Service**

I certify that on December 31, 2025, I electronically filed this document with the Clerk of Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Mark T. Roomberg

MARK T. ROOMBERG

Assistant United States Attorney