

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 oral order of November 24, 2025, dismissing the Superseding Indictment; its Order of November 25, 2025, denying the Government's Motion to Stay Order Dismissing Superseding Indictment and Release Pending Appeal (ECF No. 76); and its Order of November 26, 2025, granting the Defendant's Motion to Dismiss (ECF No. 77).

Respectfully submitted,

JUSTIN R. SIMMONS  
UNITED STATES ATTORNEY

By: /s/ Keith Henneke  
KEITH HENNEKE  
Texas Bar No. 24054497  
MARK T. ROOMBERG  
Texas Bar No. 24062266  
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 November 26, 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/ Keith Henneke*  
KEITH HENNEKE  
Assistant United States Attorney