

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

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**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