

OCT 27 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARIO MURRIETA-RIVERA,

Defendant - Appellant.

No. 09-10170

D.C. No. 4:08-CR-01107-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted October 19, 2010**

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Mario Murrieta-Rivera appeals from the 77-month sentence imposed following his guilty-plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Murrieta-Rivera contends he received ineffective assistance of counsel when counsel: did not effectively communicate a plea offer; failed to argue for departures or for a third point reduction for acceptance of responsibility during sentencing; and failed to advocate on Murrieta-Rivera's behalf. We decline to review Murrieta-Rivera's ineffective assistance of counsel claims on direct appeal because this is not one of the "unusual cases (1) where the record on appeal is sufficiently developed to permit determination of the issue[s], or (2) where the legal representation is so inadequate that it obviously denies a defendant his Sixth Amendment right to counsel." *United States v. Jeronimo*, 398 F.3d 1149, 1156 (9th Cir. 2005).

AFFIRMED.