

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 15-10461

Plaintiff-Appellee,

D.C. No. 4:14-cr-00668-DCB-LAB

v.

MEMORANDUM*

TONY NIXON,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Tony Nixon appeals his bench-trial conviction and 18-month sentence for one count of conspiracy to transport illegal aliens for the purpose of financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I), (a)(1)(A)(ii), and (a)(1)(B)(i), and two counts of transportation of illegal aliens for profit, in violation of 8 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

§ 1324(a)(1)(A)(ii) and (a)(1)(B)(i). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Nixon contends that he received ineffective assistance of counsel at trial. He has not shown that his counsel was constitutionally ineffective. *See Strickland v. Washington*, 466 U.S. 668, 694 (1984) (to establish that counsel was constitutionally ineffective, defendant must show that counsel performed deficiently and that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different”).

AFFIRMED.