

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4795

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SHAWN KENYATTA BEAMON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (2:11-cr-00026-BO-1)

Submitted: September 24, 2013 Decided: September 26, 2013

Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Robert L. Cooper, COOPER, DAVIS & COOPER, Fayetteville, North Carolina, for Appellant. Thomas G. Walker, United States Attorney, Jennifer P. May-Parker, Kristine L. Fritz, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Kenyatta Beamon pled guilty pursuant to a plea agreement to one count of conspiracy to possess with intent to distribute a quantity of heroin, in violation of 21 U.S.C. § 846 (2006), and was sentenced to 160 months in prison. Beamon's sole argument is that his attorney was ineffective because he asserts that counsel failed to adequately pursue sentencing issues he claims would have significantly reduced his sentence. Finding no error, we affirm.

In the absence of conclusive evidence of ineffective assistance of counsel on the face of the record, such claims are not cognizable on direct appeal. United States v. Powell, 680 F.3d 350, 359 (4th Cir.), cert. denied, 133 S. Ct. 376 (2012). Rather, "[c]laims of ineffective assistance of counsel are normally raised before the district court via 28 U.S.C. § 2255[.]" Id. Because the record does not conclusively establish that counsel rendered ineffective assistance at sentencing, we decline to address this claim on direct appeal. Although Beamon's claim is premature, he may, of course, reassert it in a § 2255 habeas motion.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED