

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 13-4105**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO MOSLEY, a/k/a Abdullah Hamid,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Max O. Cogburn, Jr., District Judge. (3:11-cr-00336-MOC-1)

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Submitted: January 23, 2014

Decided: January 27, 2014

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Before WILKINSON and DIAZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Carol A. Bauer, Morganton, North Carolina, for Appellant. Anne M. Tompkins, United States Attorney, Melissa L. Rikard, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Mosley pleaded guilty to possession of a firearm by a convicted felon. The district court sentenced Mosley to 100 months of imprisonment, a variance sentence below the Guidelines range, and he now appeals. Finding no error, we affirm.

Mosley argues on appeal that his trial counsel was ineffective for withdrawing his objection to the four-level enhancement that was applied pursuant to U.S. Sentencing Guidelines Manual § 2K2.1(b)(6)(B) (2011) for use or possession of the firearm in connection with another felony offense, namely in the course of a drug trafficking transaction. To prove a claim of ineffective assistance of counsel, a defendant must show (1) "that counsel's performance was deficient," and (2) "that the deficient performance prejudiced the defense." Strickland v. Washington, 466 U.S. 668, 687 (1984). We may address a claim of ineffective assistance on direct appeal only if the lawyer's ineffectiveness conclusively appears on the record. United States v. Baldovinos, 434 F.3d 233, 239 (4th Cir. 2006). We have thoroughly reviewed the record and conclude that Mosley has failed to demonstrate that ineffective assistance of counsel conclusively appears on the record. We therefore decline to address this argument on direct appeal.

Accordingly, we affirm the judgment of the district court. We deny Mosley's motion for leave to file a pro se supplemental brief. 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 in the decisional process.

AFFIRMED