

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-4158**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRYAN CHRISTOPHER SAMUEL,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:14-cr-00351-TSE-1)

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Submitted: January 24, 2017

Decided: January 27, 2017

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Before SHEDD and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Robert L. Jenkins, Jr., BYNUM & JENKINS, PLLC, Alexandria, Virginia, for Appellant. Dana J. Boente, United States Attorney, G. Zachary Terwilliger, Assistant United States Attorney, Leslie R. Caldwell, Assistant Attorney General, Sung-Hee Suh, Deputy Assistant Attorney General, John P. Taddei, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bryan Christopher Samuel appeals his convictions for conspiracy to distribute heroin and possession of a firearm in furtherance of a drug trafficking crime. Samuel argues that the district court erred in denying his motion for specific performance of a plea offer made by the Government early in the proceedings; Samuel's specific performance request was based on a claim that his trial counsel rendered ineffective assistance during plea negotiations. "Claims of ineffective assistance of counsel may be raised on direct appeal only where the record conclusively establishes ineffective assistance. Otherwise, the proper avenue for such claims is a 28 U.S.C. § 2255 motion filed with the district court." United States v. Baptiste, 596 F.3d 214, 216 n.1 (4th Cir. 2010) (citation omitted). Because the record does not conclusively establish that Samuel's counsel was ineffective, we decline to consider Samuel's claim on direct appeal. Accordingly, we affirm the judgment of the district court. 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