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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

vs.

SERGIO BAUTISTA MANZO,

Plaintiff,

Defendant.

CASE NO. 16cr638-LAB-1 and
17cv619-LAB

**ORDER DENYING MOTION UNDER 28
U.S.C. § 2255**

Defendant Sergio Bautista Manzo pled guilty to one count of importation of marijuana and was sentenced to 30 months' imprisonment followed by three years' supervised release. Under his plea agreement, he waived any right to appeal and collateral attack his conviction, except for a collateral attack based on a claim of ineffective assistance of counsel. (Docket no. 17 at 11:12–16.)

Bautista Manzo did not file an appeal, but he he filed a motion to vacate his conviction, under 28 U.S.C. § 2255. He is not challenging the voluntariness of his plea, or his counsel's effectiveness in advising him or allowing him to plead guilty. Instead, he argues that his Fifth Amendment rights were violated when he was questioned at the border. He argues that his confession was involuntary and thus inadmissible, and that his counsel was ineffective for failing to make that argument. He also contends his counsel should have pointed out inconsistencies in the prosecution's case.

