

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 18 2010

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARMANDO MINERO-REGALADO,

Defendant - Appellant.

No. 07-56425

D.C. Nos. CV-07-00515-DMS
CR-03-03084-DMS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted May 25, 2010**

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Federal prisoner Armando Minero-Regalado appeals from the district court's order denying his motion for relief under 28 U.S.C. § 2255. We have jurisdiction under 28 U.S.C. § 2253, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

Minero-Regalado contends that he received ineffective assistance of counsel. This contention is foreclosed because the record reflects that the district court did not err in concluding that his motion is barred by a valid waiver of the right to collaterally attack his conviction and sentence. *See Washington v. Lampert*, 422 F.3d 864, 869 (9th Cir. 2005); *see also White v. Klitzkie*, 281 F.3d 920, 922 (9th Cir. 2002) (this court may affirm the district court on any ground supported by the record even if that issue was not included in the certificate of appealability).

AFFIRMED.