

SEP 30 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>ROBERT ALEXANDER SIGOUIN,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 08-17628

D.C. Nos. 1:08-cv-00323-JMS  
1:05-cr-00248-JMS

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Hawaii  
J. Michael Seabright, District Judge, Presiding

Submitted September 13, 2010\*\*

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Federal prisoner Robert Alexander Sigouin appeals pro se 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.

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\* 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).

Sigouin contends that his initial trial counsel was ineffective by failing to adequately prepare for trial, violating attorney-client privilege, and failing to advise him regarding sentencing issues. This contention fails because Sigouin did not demonstrate that, but for counsel's alleged errors, the result of the proceeding would have been different. *See Strickland v. Washington*, 466 U.S. 668, 691-94 (1984).

In addition, we reject Sigouin's contentions that he received ineffective assistance from standby counsel after he elected to represent himself. *See Faretta v. California*, 422 U.S. 806, 834 n.46 (1975).

We construe Sigouin's arguments regarding uncertified issues as a motion to expand the certificate of appealability, and we deny the motion. *See* 9th Cir. R. 22-1(e); *see also Hiivala v. Wood*, 195 F.3d 1098, 1104-05 (9th Cir. 1999) (per curiam).

**AFFIRMED.**