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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MARK ANDREW CHRISTENSEN, Defendant - Appellant.	Nos. 10-30246 10-30239 D.C. Nos. 1:07-cr-00101-RFC 1:06-cr-00085-RFC MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Mark Andrew Christensen appeals from the sentence imposed following remand. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Christensen contends that the district court erred by failing to *sua sponte* order an inquiry "to determine whether Christensen's relationship with his lawyer

* 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).

had deteriorated to the point where appointment of new counsel on re-sentencing was required." Christensen's claims lack merit because the cases he cites discuss situations wherein a defendant made a request or motion for new counsel. *See Cooke v. Schriro*, 538 F.3d 1000, 1016 (9th Cir. 2008) (citing *United States v. Robinson*, 913 F.2d 712, 716 (9th Cir. 1990)).

To the extent that Christensen is raising an ineffective assistance of counsel claim on direct appeal, "[h]ere, the record is not sufficiently developed and [Christensen's] counsel was not so inadequate as to obviously deny [Christensen's] Sixth Amendment right to counsel. We therefore decline to consider [Christensen's] claims of ineffective assistance on direct appeal." *See United States v. Sager*, 227 F.3d 1138, 1149 (9th Cir. 2000).

AFFIRMED.