

OCT 3 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO IVAN AGUILAR-QUINONES,
a.k.a. PEDRO IVAN AGUILAR-
QUININES

Defendant - Appellant.

No. 10-50398

D.C. No. 3:09-cr-04333-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted September 27, 2011**

Before: HAWKINS, SILVERMAN, and W. FLETCHER, Circuit Judges.

Pedro Ivan Aguilar-Quinones appeals his conviction for being a deported alien found in the United States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, 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).

The district court did not abuse its discretion by denying Aguilar-Quinones's motion for appointment of new counsel. Contrary to Aguilar-Quinones's contentions, the district court made an adequate inquiry into his complaint and the record does not reflect that the conflict between Aguilar-Quinones and his counsel lead to a complete breakdown in communication or prevented Aguilar-Quinones from presenting an adequate defense. *See United States v. Franklin*, 321 F.3d 1231, 1239 (9th Cir. 2003); *United States v. McClendon*, 782 F.2d 785, 789 (9th Cir. 1986).

AFFIRMED.