

OCT 27 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NOT FOR PUBLICATION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.

MIGUEL FRANCISCO SANDOVAL-
LOPEZ, a.k.a. Pedro Zafra,

Defendant - Appellant.

No. 11-30032

D.C. No. 2:10-cr-00005-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Miguel Francisco Sandoval-Lopez appeals from his jury conviction for being an alien in the United States after deportation, 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).

Sandoval-Lopez contends that his counsel was ineffective by failing to object to his appearance at trial in jail clothing. We decline to review this claim on direct appeal because the record is insufficiently developed and the legal representation was not so inadequate that it obviously denied Sandoval-Lopez his Sixth Amendment right to counsel. *See United States v. Benford*, 574 F.3d 1228, 1231 (9th Cir. 2009). Accordingly, we affirm the district court's judgment without prejudice to Sandoval-Lopez raising this issue in a collateral attack on the conviction pursuant to 28 U.S.C. § 2255.

AFFIRMED.