FILED

MAY 21 2012

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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NOT FOR PUBLICATION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. URIEL MIRANDA-OREGEL, a.k.a. Arturo Garcia, a.k.a. Juan Jose Juarez, a.k.a. Pedro Vargas, Defendant - Appellant.	No. 11-10315 D.C. No. 2:10-cr-00007-JAM MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Uriel Miranda-Oregel appeals from the 77-month sentence imposed following his guilty-plea conviction for being a deported alien found in the United

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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).

States, in violation of 8 U.S.C. § 1326. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Miranda-Oregel contends that the district court erred by not awarding him a two-level reduction for acceptance of responsibility. *See* U.S.S.G. § 3E1.1(a). The district court did not clearly err in finding that Miranda-Oregel had not accepted responsibility for his offense, because the record reflects that he did not demonstrate contrition and that his conduct manifesting acceptance of responsibility was untimely. *See* U.S.S.G. § 3E1.1 cmt. n.1(H); *United States v. Nielsen*, 371 F.3d 574, 582 (9th Cir. 2004) ("To receive the two-point downward adjustment, a defendant must at least show contrition or remorse.").

We decline to consider on direct appeal Miranda-Oregel's claim of ineffective assistance of counsel, because the record is insufficiently developed and his legal representation was not so inadequate that we can now conclude he obviously was denied his Sixth Amendment right to counsel. *See United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003) ("Claims of ineffective assistance of counsel are generally inappropriate on direct appeal.").

AFFIRMED.