

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 15 2012

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN BURGUENO,

Defendant - Appellant.

No. 11-10569

D.C. No. 3:10-cr-00089-RCJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, Chief Judge, Presiding

Submitted August 8, 2012**

Before: ALARCÓN, BERZON, and IKUTA, Circuit Judges.

Juan Burgueno appeals from the 120-month sentence imposed following his guilty-plea conviction for distribution of a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). We have jurisdiction under 28 U.S.C.

* 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).

§ 1291, and we affirm.

Burgueno contends that he received ineffective assistance of counsel because his attorney did not adequately inform him that he would be subject to a mandatory minimum sentence of 120 months, as he was ineligible for the safety valve. The record does not establish that Burgeuno was inadequately informed by counsel that, because of his criminal history, he would be subject to the mandatory minimum sentence.

AFFIRMED.