

JUN 24 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>NILESH BHARATKUMAR KUMAR,</p> <p>Defendant - Appellant.</p>
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No. 10-50227

D.C. No. 8:09-cr-00132-RGK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
R. Gary Klausner, District Judge, Presiding

Submitted June 18, 2013**

Before: TALLMAN, M. SMITH, and HURWITZ, Circuit Judges.

Nilesh Bharatkumar Kumar appeals from the district court’s judgment and challenges his guilty-plea conviction for conspiracy to use and possess counterfeit access devices, in violation of 18 U.S.C. § 1029(b)(2). 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).

Kumar contends that his guilty plea was not knowing and voluntary because he received ineffective assistance from trial counsel, who failed properly to advise him about the immigration consequences of his guilty plea. “Claims of ineffective assistance of counsel are generally inappropriate on direct appeal.” *See United States v. McKenna*, 327 F.3d 830, 845 (9th Cir. 2003). Contrary to Kumar’s contention, the record on appeal is not sufficiently developed to evaluate the effectiveness of trial counsel. *See id.*

AFFIRMED.