

MAR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>URIEL VALDOVINOS TORRES,</p> <p>Petitioner - Appellant,</p> <p>v.</p> <p>UNITED STATES OF AMERICA,</p> <p>Respondent - Appellee.</p>

No. 11-35950

D.C. No. 3:10-cv-05896-BHS

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Federal prisoner Uriel Valdovinos Torres appeals from the district court’s order denying his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. We have jurisdiction under 28 U.S.C. § 2253. We review de novo a

* 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).

district court's denial of a section 2255 motion, *see United States v. Aguirre-Ganceda*, 592 F.3d 1043, 1045 (9th Cir. 2010), and we affirm.

Valdovinos Torres contends that his trial counsel provided ineffective assistance under *Padilla v. Kentucky*, 559 U.S. 356 (2010), when she failed to inform him of the immigration consequences of his guilty plea. Because Valdovinos Torres's conviction became final before *Padilla* was decided, his contention is foreclosed by *Chaidez v. United States*, 133 S. Ct. 1103, 1113 (2013), in which the Supreme Court held that *Padilla* does not apply retroactively to cases on collateral review.

AFFIRMED.