

DEC 2 2014

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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NOT FOR PUBLICATION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.

BENGA AKANNI OYENIRAN,

Defendant - Appellant.

No. 13-50357

D.C. No. 2:12-cr-00844-JAK-1

MEMORANDUM*

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

Submitted November 18, 2014**

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Benga Akanni Oyeniran appeals his guilty-plea conviction for conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349. 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).

Oyeniran contends that his guilty plea is invalid because it was not knowing and voluntary. We review de novo whether a plea was voluntary, and we treat the question of whether a plea was knowing as a factual matter to be reviewed for clear error. *United States v. Sharp*, 941 F.2d 811, 815-16 (9th Cir. 1991), *superseded by statute on other grounds*, 18 U.S.C. § 3663. In both the signed plea agreement and at the plea colloquy, Oyeniran certified that he understood his plea, had carefully and thoroughly discussed it with his counsel, and had voluntarily agreed to its terms. Those certifications “carry a strong presumption of truth,” *Muth v. Fondren*, 676 F.3d 815, 821 (9th Cir. 2012), and Oyeniran’s claim that this presumption is overcome here because he did not understand the nature of the conspiracy charge is belied by the record.

AFFIRMED.