

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4480

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BLANCO NAYALI MORENO RODRIGUEZ,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:21-cr-00362-BO-2)

Submitted: May 23, 2023

Decided: May 25, 2023

Before AGEE, WYNN, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Chiege Ojugo Kalu Okwara, Charlotte, North Carolina, for Appellant. Michael F. Easley, Jr., United States Attorney, David A. Bragdon, Assistant United States Attorney, Katherine S. Englander, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Blanco Nayali Moreno Rodriguez pleaded guilty, pursuant to a written plea agreement, to two drug charges and a firearm charge. The district court sentenced her to the statutory mandatory minimum of 180 months' imprisonment, and she now appeals. Her sole appellate claim concerns the adequacy of her plea counsel's performance during the plea bargaining proceedings. We affirm.

"In this Circuit, a defendant may raise an ineffective assistance claim for the first time on direct appeal only where the ineffectiveness conclusively appears from the record." *United States v. Ojedokun*, 16 F.4th 1091, 1115 (4th Cir. 2021) (internal quotation marks omitted), *cert. denied*, 142 S. Ct. 2780 (2022). Otherwise, such a claim "should be raised, if at all, in a motion under 28 U.S.C. § 2255." *United States v. Barnett*, 48 F.4th 216, 222 n.3 (4th Cir. 2022), *cert. denied*, 143 S. Ct. 823 (2023).

Based on our review, we do not find that plea counsel's alleged ineffectiveness conclusively appears from the record. As a result, Moreno Rodriguez's claim of ineffective assistance is "not cognizable on direct appeal." *Id.* Accordingly, we affirm the criminal judgment.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED