

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4086**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR HUGO VASQUES-GARCIA, a/k/a Victor Hugh Vazquez-  
Garcia, a/k/a Santiago Otoniel-Lopez,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Greensboro. N. Carlton  
Tilley, Jr., District Judge. (1:06-cr-00190-NCT)

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Submitted: April 24, 2009

Decided: May 6, 2009

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Before NIEMEYER, MOTZ, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Frank A. Abrams, Asheville, North Carolina, for Appellant. Anna  
Mills Wagoner, United States Attorney, Angela H. Miller,  
Assistant United States Attorney, Greensboro, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Victor Vasques-Garcia pleaded guilty to illegal reentry after deportation following a conviction for an aggravated felony, in violation of 8 U.S.C. § 1326(a), (b)(2) (2006), and was sentenced to fifty-seven months of imprisonment. Finding no error, we affirm.

Vasques-Garcia argues that his counsel rendered ineffective assistance for failing to move for a sentence below the advisory guidelines range. However, this claim is not cognizable on direct appeal because counsel's ineffectiveness does not conclusively appear on the face of the record. See United States v. Baldovinos, 434 F.3d 233, 239 (4th Cir. 2006). We therefore affirm the judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED