

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4173

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EZE RANKIN INYAMA,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:06-cr-00134-WDQ)

Submitted: December 21, 2007

Decided: May 5, 2008

Before KING and DUNCAN, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Linda A. Dominguez, L A DOMINGUEZ LAW, LLC, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Stephen M. Schenning, Harry M. Gruber, Assistant United States Attorneys, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eze Rankin Inyama appeals his conviction after a jury trial for unlawfully distributing and possessing with intent to distribute ninety tablets of Alprazolam (Xanax), a Schedule IV controlled substance, in violation of 21 U.S.C. § 841 (2000). On appeal, he raises the issue of whether his counsel was ineffective in failing to object to the admission of testimony and evidence from the mirror-image of a computer containing files that were previously downloaded from his company's computer. We affirm.

Inyama contends that the act of downloading the files and their access by others could have caused alterations, and his counsel was constitutionally ineffective in failing to cross examine witnesses regarding the files and to object to their admission. We may address Inyama's contention on direct appeal only if his lawyer's ineffectiveness conclusively appears from the record. See United States v. Baldovinos, 434 F.3d 233, 239 (4th Cir. 2006). We have reviewed the record and find it does not conclusively show ineffective assistance. Accordingly, we conclude that Inyama's claim is unreviewable at this stage.*

We therefore affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions

*Our conclusion that we may not review Inyama's ineffective assistance claim is not "intended to prejudice, or prejudge, in any way [his] right to apply for relief in a [habeas corpus] proceeding, should he choose to invoke such remedy." United States v. Mandello, 426 F.2d 1021, 1023 (4th Cir. 1970).

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED