

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-4775**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUSTO MANUEL GONZALEZ,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:14-cr-00059-RLV-DCK-1)

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Submitted: October 14, 2016

Decided: October 19, 2016

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Before DUNCAN, AGEE, and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Randolph M. Lee, Charlotte, North Carolina, for Appellant. Jill Westmoreland Rose, United States Attorney, Anthony J. Enright, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Justo Manuel Gonzalez pled guilty to conspiracy to distribute and possess with intent to distribute cocaine and methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2012). The district court sentenced Gonzalez to 210 months' imprisonment, and he now appeals, raising a single claim of ineffective assistance of counsel.

Gonzalez's claim of ineffective assistance of counsel is only cognizable on direct appeal if it conclusively appears on the record that counsel was ineffective. United States v. Galloway, 749 F.3d 238, 241 (4th Cir. 2014). To succeed on a claim of ineffective assistance of counsel, Gonzalez must show that: (1) "counsel's representation fell below an objective standard of reasonableness"; and (2) "the deficient performance prejudiced the defense." Strickland v. Washington, 466 U.S. 668, 687-88 (1984). The record before us does not conclusively establish ineffective assistance of counsel. Consequently, Gonzalez's claim is not cognizable on direct appeal and should be raised, if at all, in a 28 U.S.C. § 2255 (2012) motion.

We therefore affirm the judgment of the district court. 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