

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-4660**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MATTHEW DONTE YOUNG,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, District Judge. (1:14-cr-00080-MR-DLH-1)

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Submitted: April 21, 2016

Decided: April 25, 2016

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Before WILKINSON, KING, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Carol Ann Bauer, Morganton, 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Unpublished opinions are not binding precedent in this circuit.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:

Matthew Donte Young appeals his sentence for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (2012). He argues that trial counsel rendered ineffective assistance by portraying Young in the sentencing memorandum and request for downward departure as a victim of the system when this same system was about to sentence him. We affirm.

"[A] defendant may raise a claim of ineffective assistance of counsel in the first instance on direct appeal if and only if it conclusively appears from the record that counsel did not provide effective assistance." United States v. Galloway, 749 F.3d 238, 241 (4th Cir. 2014) (alterations, emphasis, and internal quotation marks omitted). Absent such a showing, ineffective assistance claims should be raised in a motion brought pursuant to 28 U.S.C. § 2255 (2012), in order to permit sufficient development of the record. United States v. Baptiste, 596 F.3d 214, 216 n.1 (4th Cir. 2010). Because the record here does not conclusively establish Young's claim, Young does not meet this demanding standard. This claim should be raised, if at all, in a § 2255 motion.

Accordingly, we 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