

OCT 13 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KUM SOON YOO,

Defendant - Appellant.

No. 09-10284

D.C. No. 1:08-CR-00020-FMTG

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
Frances Tydingco-Gatewood, Chief Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Kum Soon Yoo appeals from the 97-month sentence imposed following her guilty-plea conviction for conspiracy to distribute more than 50 grams net weight of methamphetamine hydrochloride (“ice”), in violation of 21 U.S.C. §§ 841(a)(1) and 846. We have jurisdiction under 28 U.S.C. § 1291, and we dismiss.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Yoo contends that the district court erred when determining her base offense level because it improperly attributed at least 1.5 kilograms of “ice” to her and failed to require the government to prove the quantity and purity of the drugs beyond a reasonable doubt. However, her intentional withdrawal of her objection regarding this issue constitutes a waiver for purposes of appeal. *See United States v. Streich*, 560 F.3d 926, 930 n.1 (9th Cir. 2009); *see also United States v. Olano*, 507 U.S. 725, 733 (1993) (“Whereas forfeiture is the failure to make the timely assertion of a right, waiver is the intentional relinquishment or abandonment of a known right.”) (internal quotation marks and citation omitted).

DISMISSED.