

JUL 22 2011

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NOT FOR PUBLICATION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.

YACOV YIDA,

Defendant - Appellant.

No. 08-10222

D.C. No. 3:00-cr-00274-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Yacov Yida appeals from his jury-trial conviction and 121-month sentence for conspiracy to import MDMA, in violation of 21 U.S.C. § 963; importation of MDMA, in violation of 21 U.S.C. § 952; and smuggling, in violation of 18 U.S.C. § 545. We affirm.

* 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).

Yida contends the case should be remanded with instructions to delete from the written judgment the condition that Yida “submit to one drug test within 15 days of release from imprisonment and two periodic drug tests thereafter” because he was not orally advised of the condition at sentencing. We disagree. The imposition of this statutorily-mandated condition of supervised release is deemed to be implicit in an oral sentence imposing supervised release, and therefore the condition was properly included in the written judgment. *See United States v. Napier*, 463 F.3d 1040, 1042-43 (9th Cir. 2006).

AFFIRMED.