

FEB 27 2014

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NOT FOR PUBLICATION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.

SUNG O. KWON,

Defendant - Appellant.

No. 13-10229

D.C. No. 1:12-cr-00041-FMTG

MEMORANDUM*

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

Submitted February 18, 2014**

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

Sung O. Kwon appeals from the 37-month sentence imposed following his guilty-plea conviction for importation of methamphetamine hydrochloride, in violation of 21 U.S.C. §§ 952 and 960. We have jurisdiction under 28 U.S.C. § 1291, and 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).

Kwon contends that the district court erred by granting a two-level role adjustment rather than a three- or four-level adjustment under U.S.S.G. § 3B1.2. We review for clear error. *See United States v. Tankersley*, 537 F.3d 1100, 1110 (9th Cir. 2008). The district court did not clearly err because the record reflects that Kwon was entrusted with a substantial amount of methamphetamine, and he traveled from the Philippines to Guam on three occasions as a part of the criminal enterprise. *See United States v. Rodriguez-Castro*, 641 F.3d 1189, 1193 (9th Cir. 2011).

AFFIRMED.