

SEP 11 2008

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NOT FOR PUBLICATION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.

DUH WAN KIM,

Defendant - Appellant.

No. 07-10334

D.C. No. CR-06-00036-FMT

MEMORANDUM*

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

Submitted September 8, 2008**

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

Duh Wan Kim appeals from his jury-trial conviction for attempted possession of methamphetamine hydrochloride with intent to distribute, in

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

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

violation of 21 U.S.C. § 846(a)(1), (b). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Kim contends that the district court's denial of his motion for acquittal should be reversed because no rational trier of fact could have found beyond a reasonable doubt that he intended to possess methamphetamine. We conclude that, taking the evidence in the light most favorable to the government, a rational trier of fact could have found beyond a reasonable doubt that Kim intended to possess methamphetamine. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see also United States v. Carranza*, 289 F.3d 634, 644 (9th Cir. 2002).

AFFIRMED.