

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

# United States Court of Appeals For the First Circuit

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No. 00-1737

UNITED STATES,

Appellee,

v.

STANLEY PROU,

Defendant, Appellant.

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APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF RHODE ISLAND

[Hon. Ronald R. Lagueux, U.S. District Judge]

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Before

Boudin, Chief Judge,  
Torruella and Lipez, Circuit Judges.

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Stanley Prou on brief pro se.

Margaret E. Curran, United States Attorney, and Donald C. Lockhart, Assistant U.S. Attorney, on Memorandum of Law in Support of Motion for Summary Affirmance for appellee.

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November 29, 2001

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Per Curiam. Pursuant to this court's vacatur of his original criminal sentence, see Prou v. United States, 199 F.3d 37 (1st Cir. 1999), Stanley Prou was resentenced to concurrent terms of 78 months on Counts 1 and 2 (as well as concurrent five year terms of supervised release).<sup>1</sup> Prou appeals. We find no merit either in his claim that the government waived the application of the sentencing guidelines when it sought to enhance his sentence pursuant to 21 U.S.C. § 851 or in his challenge to the composition of the grand and/or petit juries.

The convictions and sentence are affirmed.

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<sup>1</sup>The consecutive 60 month term of imprisonment and concurrent three year term of supervised release on Count 3 were unaffected by this court's remand.