

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-2208

L. RUTHER,

Plaintiff - Appellant,

versus

LAKE DEL RAY APARTMENTS,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CA-01-1032-A)

Submitted: February 22, 2002

Decided: March 15, 2002

Before WILKINS, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

L. Ruther, Appellant Pro Se. Bernard Joseph DiMuro, DIMURO, GINSBERG, & LIEBERMAN, P.C., Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

L. Ruther appeals the district court's orders dismissing his civil action and motion to reconsider. The record does not contain a transcript of the hearing conducted on September 7, 2001, at which the district court gave its reasons for dismissing the action. Ruther has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. Fed. R. App. P. 10(b); 4th Cir. Local R. 10(c). Appellants proceeding on appeal in forma pauperis are entitled to transcripts at government expense only in certain circumstances. 28 U.S.C. § 753(f) (1994). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Ruther has waived review of the issues on appeal which depend upon the transcript to show error. Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). We therefore affirm the district court's orders. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED