

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7740

WILLIE B. BYRON, JR.,

Plaintiff - Appellant,

versus

PAGE TRUE, Warden, Red Onion State Prison;
LIEUTENANT ROBERTSON; SERGEANT O'QUINN; NURSE
PAYNE; A. W. O. ARMENTROUT; CAPTAIN FLEMING, 6
pm - 6 am Shift; RICHARD A. YOUNG,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Pamela Meade Sargent, Magistrate
Judge. (CA-00-713-7)

Submitted: February 14, 2002

Decided: February 26, 2002

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Willie B. Byron, Jr., Appellant Pro Se. William W. Muse, Assistant
Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie B. Byron, Jr., appeals a magistrate judge's final judgment denying several post-verdict motions.* We affirm. The record does not contain a transcript of the jury trial. Byron 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, Byron has waived review of the issues on appeal which depend upon the transcript to show error. Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). We have reviewed the record before the court and find no reversible error. We therefore affirm the magistrate judge's final judgment. 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

* The parties consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) (1994).