

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1953

LARRY JOHNSON,

Plaintiff - Appellant,

versus

STAN BARRY, Official Capacity, Sheriff,
Fairfax County; SIX UNKNOWN NURSING STAFF; M.
DOUGLAS SCOTT, Chief of Police, Fairfax City;
RICK RAPPAPORT, Colonel, Chief of Police,
Fairfax City; K. W. REILLY, Police Officer,
Fairfax City; C. M. BUCKLEY, Police Officer,
Fairfax City; D. G. POORE, Police Officer,
Fairfax City,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Gerald Bruce Lee, District
Judge. (CA-03-1429-1)

Submitted: February 24, 2005

Decided: March 4, 2005

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry Johnson, Appellant Pro Se. Robert A. Dybing, THOMPSON &
MCMULLAN, Richmond, Virginia, for Appellee Stan Barry.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry Johnson appeals the district court's order granting Defendants' motion to dismiss his amended 42 U.S.C. § 1983 (2000) complaint for the reasons stated in open court on July 2, 2004. An appellant 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. See Fed. R. App. P. 10(b); 4th Cir. R. 10(c). An appellant proceeding on appeal in forma pauperis is entitled to transcripts at government expense only in certain circumstances. 28 U.S.C. § 753(f) (2000). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Johnson has waived review of the issues on appeal that depend upon the transcript to show error. See Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992); Keller v. Prince George's County, 827 F.2d 952, 954 n.1 (4th Cir. 1987). As no error appears on the record before us, we deny Johnson's motion to proceed in forma pauperis and dismiss the appeal. We also deny Johnson's pending motions to seal document, for subpoena of records, and to expedite, and 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.

DISMISSED