

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2219

BRAD D. RAY,

Plaintiff - Appellant,

versus

PRINCE GEORGE'S COMMUNITY COLLEGE; RONALD
WILLIAMS, President; PAUL MAZZEI,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Roger W. Titus, District Judge. (CA-03-
2915-8-RWT)

Submitted: October 31, 2005

Decided: December 12, 2005

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frederic M. Brandes, Timonium, Maryland, for Appellant. V. Daniel
Palumbo, Fort Washington, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Brad D. Ray appeals the district court's order dismissing his amended 42 U.S.C. § 1983 (2000) complaint. The record does not contain a transcript of the July 19, 2004 hearing on the motion to dismiss the amended complaint. Despite repeated requests beginning in April 2005, neither Ray nor his counsel has either obtained a transcript or filed a motion for a transcript at government expense. 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 apply to qualify for the production of a transcript at government expense, Ray 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 affirm the district court's order. We grant Ray's counsel's motion to withdraw. 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