

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1924

SANDRA KAY FRYE,

Plaintiff - Appellant,

v.

BAE,

Defendant - Appellee,

and

U.S. EQUAL EMPLOYMENT COMMISSION,

Defendant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:09-cv-00471-RGD-TEM)

Submitted: March 31, 2011

Decided: April 7, 2011

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Sandra Kay Frye, Appellant Pro Se. Thomas Michael Lucas, JACKSON LEWIS, LLP, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sandra Kay Frye appeals the district court's judgment following a bench trial. The record does not contain a transcript of the trial proceedings. 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. Fed. R. App. P. 10(b); 4th Cir. R. 10(c). While appellant proceeding on appeal in forma pauperis is entitled to transcripts at government expense in certain limited circumstances, see 28 U.S.C. § 753(f) (2006), Frye paid the appellate filing fee and has not filed an application for in forma pauperis status. By failing to produce a transcript or to qualify for the production of a transcript at government expense, Frye has waived review of the issues on appeal that depend upon the transcript to show error. See generally Fed. R. App. P. 10(b)(2); Keller v. Prince George's Cnty., 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 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