

Filed: April 2, 1997

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-3005
(CA-93-796-5-BR)

The Building Link, Inc.,

Plaintiff - Appellee,

versus

William Britton, etc.,

Defendant - Appellant.

O R D E R

The Court amends its opinion filed February 21, 1997, as follows:

On the cover sheet, section 3, line 3 -- the district court's number is corrected to read "CA-93-796-5-BR."

For the Court - By Direction

/s/ Patricia S. Connor

Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-3005

THE BUILDING LINK, INCORPORATED,

Plaintiff - Appellee,

versus

WILLIAM BRITTON, individually and d/b/a The
Building Link of South Carolina, d/b/a Corner-
stone Publishing, d/b/a Residential Digest,
t/a Trade Winds Publishing,

Defendant - Appellant,

and

TULLIUS CARTER ROWND, JR.; ROBERT PATTON
KELLY, III; JACK BIRNEY CURRY, JR.,

Defendants.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. W. Earl Britt, District
Judge. (CA-93-796-5-BR)

Submitted: January 7, 1997

Decided: February 21, 1997

Before MURNAGHAN, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William Britton, Appellant Pro Se. William Everett Moore, Jr.,
BASS, BRYANT & MOORE, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order entering judgment on the jury verdict finding that he infringed Plaintiff's intellectual property and trade practice rights and awarding damages to Plaintiff. The record does not contain a transcript of the jury trial. 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. Local R. 10(c). By failing to produce a transcript, Appellant 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.), cert. denied, 506 U.S. 1025 (1992); Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). As for the claims that can be considered without a transcript, we have reviewed the record before the court and find no reversible error. Accordingly, we deny Appellant's application to proceed in forma pauperis and dismiss the appeal. 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

