

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6932

R. MACEO DEANE,

Plaintiff - Appellant,

versus

LARRY HUFFMAN; DAVID K. SMITH; RUFUS FLEMING;
STANLEY JONES; CAPTAIN SPEARS; CAPTAIN
WOODSON; LIEUTENANT YATES; LIEUTENANT WILSON;
LIEUTENANT ELDRIDGE; SERGEANT TRENT; SERGEANT
TONEY; SERGEANT SMITH; SERGEANT PHILLIPS;
SERGEANT TERRY; CAPTAIN SPEAS; SERGEANT STITH,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of Virginia, at Roanoke. Jackson L. Kiser, Chief District
Judge. (CA-94-619-R)

Submitted: December 19, 1996

Decided: January 3, 1997

Before ERVIN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

R. Maceo Deane, Appellant Pro Se. Jill Theresa Bowers, OFFICE
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order entering judgment on the jury verdict for two Appellees and granting judgment as a matter of law for the remaining Appellees in this action filed under 42 U.S.C. § 1983 (1994). The record does not contain a transcript of Appellant's 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). 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, 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). We have reviewed the record before the court and the district court's opinion and find no reversible error. We therefore 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