

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

LINDA L. KENNEDY,

Plaintiff-Appellant.

v.

DEAN CLIFTON, individually, and as manager, agent, partner, shareholder or director of Richard-Flagship Services, Incorporated; DAN CLARK, individually, and as manager, agent, vice-president, partner, shareholder and director of Richard-Flagship Services Incorporated; STAN SISSON, individually, and as manager, agent, Human Resources Director, partner, shareholder and director of Richard-Flagship Services, Incorporated and

No. 99-1020

F. A. Richard & Associates, Incorporated; FRANCIS A. RICHARD, individually, and as manager, agent, partner, shareholder and director of Richard-Flagship Services, Incorporated and F.A. Richard & Associates, Incorporated; STEVE JOHNSON, individually, and as agent, president, chief executive officer, partner, shareholder and/or director of Richard-Flagship Services, Incorporated and The Flagship Group, Limited; ROBERT O'SULLIVAN, individually, and as agent, vice-president, partner,

shareholder and/or director of
Richard-Flagship Services,
Incorporated, and The Flagship
Group, Limited; THE FLAGSHIP
GROUP, LIMITED, a corporation doing
business in Virginia and as agent,
partner, owner, shareholder and
director of Richard-Flagship
Services, Incorporated; RICHARD-

FLAGSHIP SERVICES, INCORPORATED;
F A RICHARD & ASSOCIATES,
INCORPORATED, a Louisiana
corporation, doing business in
Virginia, and as an agent, partner,
owner, shareholder and director of
Richard-Flagship Services,
Incorporated,
Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Virginia, at Norfolk.
Robert G. Doumar, Senior District Judge.
(CA-98-602-2)

Submitted: September 30, 1999

Decided: October 8, 1999

Before NIEMEYER, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Linda L. Kennedy, Appellant Pro Se. Robert L. O'Donnell, Arlene F. Klinedinst, Christopher Ambrosio, VANDEVENTER BLACK, L.L.P., Norfolk, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Linda L. Kennedy appeals the district court's order dismissing her civil action raising claims against her former employer and related defendants. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Kennedy v. Richard-Flagship Serv., No. CA-98-602-2 (E.D. Va. Dec. 2, 1998).*

Kennedy raises some issues requiring review of the district court's hearings held on July 30 and August 14, 1998. Kennedy has the burden of including in the record the transcripts and other parts of the proceedings material to the issues raised on appeal. See 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. See 28 U.S.C. § 753(f) (1994). By failing to

*Although the district court's order is marked as "filed" on December 1, 1998, the district court's records show that it was entered on the docket sheet on December 2, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

produce the transcripts or to qualify for the production of a transcript at government expense, Kennedy has waived review of those issues on appeal which depend upon the transcript to show error. See Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987).

We deny the motion to strike Kennedy's brief and 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