

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6421

SHAWN HUNTER, a/k/a Elijah Rybinni,

Plaintiff - Appellant,

versus

G. L. BASS, Warden; UNKNOWN CHAPLIN, Captain;
SERGEANT HARRISON; JOHN DOE, Correctional
Officer #1; JOHN DOE, Correctional Officer #2,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Richmond. Robert R. Merhige, Jr., Senior
District Judge. (CA-94-871)

Submitted: December 12, 1996 Decided: December 18, 1996

Before MURNAGHAN, NIEMEYER, and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Shawn Hunter, Appellant Pro Se. Pamela Anne Sargent, Assistant At-
torney General, 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Unpublished opinions are not binding precedent in this circuit.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 judgment, pursuant to a jury verdict, that he recover nothing in his 42 U.S.C. § 1983 (1994) action. The record does not contain a transcript of the 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)(2); 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 find no reversible error. We therefore affirm the district court's order entering judgment for the Appellees. We deny Appellant's motion to appoint counsel 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