

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1312

MARC STOUT,

Plaintiff - Appellant,

v.

SGT. POPE,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony John Trenga, Senior District Judge. (1:21-cv-01081-AJT-IDD)

Submitted: June 28, 2023

Decided: September 14, 2023

Before DIAZ, Chief Judge, RUSHING, Circuit Judge, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Marc Stout, Appellant Pro Se. Jeffrey Notz, PRINCE WILLIAM COUNTY ATTORNEY'S OFFICE, Prince William, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marc Stout appeals the district court's order granting the Defendant's motion to dismiss or, in the alternative, for summary judgment and dismissing the claims Stout raised in his 42 U.S.C. § 1983 complaint. The record does not contain a transcript of the hearing in which the district court expressed its rationale for dismissing Stout's claims. 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). An appellant proceeding on appeal in forma pauperis is entitled to transcripts at government expense only in certain circumstances. 28 U.S.C. § 753(f). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Stout 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). And, in any event, the record makes clear that Stout's claims are meritless. Accordingly, 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 this court and argument would not aid the decisional process.

AFFIRMED