

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-1011**

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JOHN A. MCALLISTER, JR.,

Plaintiff - Appellee,

v.

JOCELYN HUNTER,

Defendant - Appellant,

and

C. ERIC HUNTER; PHOENIX COLVARD MOUNTAIN, LLC,

Defendants.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:07-cv-00064-RLV)

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Submitted: October 25, 2010

Decided: November 17, 2010

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Before GREGORY, KEENAN, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jocelyn Hunter, Appellant Pro Se. David Erik Albright, Jon Berkelhammer, SMITH MOORE, LLP, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jocelyn Hunter appeals the jury verdict in favor of John McAllister, Jr. The record does not contain a transcript of the jury proceedings. 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) (2006). By failing to produce a transcript or to qualify for the production of a transcript at Government expense, Hunter 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 County, 827 F.2d 952, 954 n.1 (4th Cir. 1987). As no error appears on the record before us, 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 the court and argument would not aid the decisional process.

AFFIRMED