

**UNPUBLISHED**UNITED STATES COURT OF APPEALS  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

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**No. 10-1233**

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KATHLEEN ARNOLD; TIMOTHY A. COTTEN,

Plaintiffs - Appellants,

v.

CITIMORTGAGE, INCORPORATED, Assignee; LEHMAN BROTHERS BANK, F.S.B.; AURORA LOAN SERVICES LLC; WELLS FARGO; CONGRESSIONAL FUNDING USA, LLC; STEWART TITLE GROUP, LLC; MARTIN DENNIS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED; RANDA SAMIR AZZAM, Substitute Trustee; DANIEL J. PESACHOWITZ; SAMUEL I. WHITE,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Roger W. Titus, District Judge. (8:07-cv-02617-RWT)

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Submitted: November 2, 2010

Decided: November 15, 2010

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Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kathleen Arnold; Timothy A. Cotten, Appellants Pro Se. Bruce Edward Alexander, David M. Souders, Sandra B. Vipond, WEINER, BRODSKY, SIDMAN & KIDER, PC, Washington, D.C.; Glenn Cline, BALLARD SPAHR, LLP, Baltimore, Maryland; Bruce Edward Covahay, Mark S. Devan, COVAHEY, BOOZER, DEVAN & DORE, PA, Towson, Maryland; for Appellees. Martin Dennis, Appellee Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kathleen Arnold and Timothy A. Cotten appeal the district court's order granting Defendants' motions to dismiss their civil action. The record does not contain a transcript of the hearing on Defendants' motions. Appellants have the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. See Fed. R. App. P. 10(b); 4th Cir. R. 10(b). While appellants proceeding on appeal in forma pauperis are entitled to transcripts at government expense in certain limited circumstances, see 28 U.S.C. § 753(f) (2006), Arnold and Cotten paid the appellate filing fee and neither has filed an application for in forma pauperis status. By failing to produce a transcript or to qualify for the production of a transcript at government expense, Arnold and Cotten have waived review of the issues on appeal that depend on the transcript to show error. See Powell v. Estelle, 959 F.2d 22, 26 (5th Cir. 1992) (per curiam); Keller v. Prince George's Cnty., 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