

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6267

DARREL A. WHITE,

Plaintiff - Appellant,

v.

OFFICER M. OWENS, a/k/a M. Ownes,

Defendant - Appellee,

and

WARDEN BRYAN WATSON; CAPTAIN ANDERSON; NURSE HARBER,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Michael F. Urbanski, District
Judge. (7:10-cv-00514-MFU-RSB)

Submitted: May 24, 2012

Decided: May 31, 2012

Before MOTZ and DAVIS, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Darrel A. White, Appellant Pro Se. John Michael Parsons,
Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrel White appeals the jury verdict in his 42 U.S.C. § 1983 (2006) action in favor of defendant M. Owens. White argues that the verdict is not supported by the evidence adduced at trial, that the trial judge erred in failing to properly respond to the jury's request for supplemental information during deliberations, and that the jury was biased against him. He also appeals the district court's denial of his post-judgment motion for a new trial and to set aside the verdict.

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 request or qualify for the production of a transcript at government expense, White 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). As no error appears on the record before us, we affirm the jury's verdict.

Insofar as we are able to review the district court's order denying White's post-judgment motions in the absence of a transcript, we have reviewed the available record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. White v. Owens, No. 7:10-cv-00514-MFU-RSB (W.D. Va. Mar. 20, 2012). 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