

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1998

DULCE BINOYA,

Plaintiff - Appellant,

v.

AIRLINES REPORTING CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Anthony J. Trenga,
District Judge. (1:16-cv-00102-AJT-IDD)

Submitted: February 6, 2017

Decided: March 3, 2017

Before DUNCAN and AGEE, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Dulce Binoya, Appellant Pro Se. Meredith Renee Fleming
Bergeson, John Michael Remy, JACKSON LEWIS PC, Reston, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dulce Binoya appeals the district court's order granting summary judgment to her former employer on her retaliation claim. The record does not contain a transcript of the hearing at which the district court granted summary judgment. 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) (2012). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Binoya 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). Moreover, in her informal brief, Binoya points to no evidence supporting her claim, nor does she present more than a conclusory argument for why judicial estoppel did not apply to bar her claim, as found by the district court. Accordingly, although we grant Binoya leave to proceed in forma pauperis, no error appears on the record before us, and 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