

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1285

JESSE G. YATES, III; MELISSA LONG YATES,

Plaintiffs - Appellants,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Kimberly Anne Swank, Magistrate Judge. (7:13-cv-00233-KS)

Submitted: October 30, 2017

Decided: November 30, 2017

Before TRAXLER and WYNN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Jesse G. Yates, III, Melissa Long Yates, Appellants Pro Se. Robert Carter Elkins,
ELKINS RAY, PLLC, Huntington, West Virginia; Jonathan Edgar Hall, PARKER, POE,
ADAMS & BERNSTEIN, LLP, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jesse G. Yates, III, and Melissa Long Yates appeal the district court's judgment following a jury trial finding in favor of State Farm Fire and Casualty Company on the Yateses' breach of contract claim. We have reviewed the record included on appeal and have found no reversible error. 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). Appellants have not produced a transcript and have failed to make the requisite showing to qualify for the production of a transcript at Government expense. Thus, the Appellants have 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 Cty.*, 827 F.2d 952, 954 n.1 (4th Cir. 1987). Accordingly, we deny Appellants' motion for discovery and we affirm the district court's judgment. In light of this disposition, we deny the Appellee's motion to dismiss the appeal. We dispense with oral argument as it would not aid the decisional process.

AFFIRMED