

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-3104

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Tony J. Brown,

Appellant,

v.

Trane Company,

Appellee.

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Appeal from the United States  
District Court for the  
Western District of Arkansas.

[UNPUBLISHED]

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Submitted: July 28, 2004  
Filed: August 3, 2004

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Before MELLOY, LAY, and COLLOTON, Circuit Judges.

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PER CURIAM.

Following a jury trial, Tony Brown appeals the district court's<sup>1</sup> adverse grant of a directed verdict on certain claims in his employment-discrimination action. We cannot review these rulings, however, because Brown did not provide a trial transcript. See Fed. R. App. P. 10(b); Pargo v. First Realty Prop. Mgmt., No. 93-1500, 1994 WL 83267, at \*1 (8th Cir. Mar. 16, 1994) (unpublished per curiam) (any meaningful review of trial court's factual findings was precluded where appellant failed to provide transcript after appeals court denied request for transcript at

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<sup>1</sup>The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

government expense), cert. denied, 513 U.S. 847 (1994). Further, while Brown challenges the district court's refusal to submit a requested jury instruction on disability, and the court's refusal to admit into evidence an administrative determination, his brief contains no argument as to why either ruling was an abuse of discretion. See Otting v. J.C. Penney Co., 223 F.3d 704, 712-13 (8th Cir. 2000) (refusal to submit jury instruction is reviewed for abuse of discretion; instruction defining disability must fairly and adequately submit issue of disability to jury); Doss v. Frontenac, 14 F.3d 1313, 1318 (8th Cir. 1994) (in employment-discrimination case, decision whether to admit or exclude administrative findings is properly left to sound discretion of trial court). Accordingly, we affirm.

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