

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

No. 07-1488

City of Kansas City, Missouri	*	
	*	
Appellee,	*	
	*	
David Bahner,	*	
	*	
Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the Western
	*	District of Missouri.
Housing & Economic Development	*	
Financial Corporation,	*	[UNPUBLISHED]
	*	
Appellee,	*	
	*	
Rosehill Gardens,	*	
	*	
Defendant,	*	
	*	
Miguel Tilley,	*	
	*	
Appellant.	*	

Submitted: December 14, 2007
Filed: December 21, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Miguel Tilley challenges the district court's¹ order denying his claim for federal housing relocation benefits. We affirm.

After an evidentiary hearing, the district court denied Tilley's claim for relocation benefits and personal property damages in this receivership action brought by the City of Kansas City, Missouri (City), against Housing Economic Development Financial Corporation (HEDFC). On appeal, Tilley challenges the district court's credibility determinations and evidentiary rulings. The City and HEDFC urge this court to affirm and argue that Tilley's failure to obtain a hearing transcript prevents consideration of his arguments on appeal. Tilley's reply brief attempts to introduce new material and includes an untimely transcript request and an incomplete, unsworn financial affidavit, and HEDFC has moved to strike it.

Without a transcript of the hearing, this court cannot review the district court's factual findings or any issues involving witness credibility or evidentiary rulings. See Van Treese v. Blome, 7 F.3d 729, 729 (8th Cir. 1993) (per curiam); Schmid v. United Bhd. of Carpenters & Joiners of Am., 827 F.2d 384, 385-86 (8th Cir. 1987) (per curiam). In any event, credibility determinations are within the exclusive domain of the district court and are virtually unreviewable on appeal. See Chaganti & Assocs. v. Nowotny, 470 F.3d 1215, 1222 (8th Cir. 2006), cert. denied, 127 S. Ct. 2977 (2007). Thus, we affirm the judgment of the district court, and we deny Tilley's untimely and incomplete transcript request. See Fed. R. App. P. 10(b)(1). The motion to strike is denied as moot.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable John T. Maughmer, United States Magistrate Judge for the Western District of Missouri.