

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

No. 07-2545

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	*	[UNPUBLISHED]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

Submitted: May 26, 2008
Filed: June 9, 2008

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

Lawrence Goldblatt challenges the district court's¹ order denying his claim for payment under an architectural services contract. We affirm.

After an evidentiary hearing, the district court denied Goldblatt's claim in this receivership action brought by the City of Kansas City, Missouri (City), against Housing & Economic Development Financial Corporation (HEDFC). On appeal, Goldblatt challenges the district court's factual findings, credibility determinations, and application of Missouri law to his allegations that HEDFC tortiously interfered with his contractual relationship with a third party mortgagee of HEDFC.

Without a transcript of the hearing, we 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). Accepting as true the district court's factual findings, we conclude the court did not err in determining that Goldblatt failed to establish a tortious-interference claim under Missouri law. See Bockelman v. MCI Worldcom, Inc., 403 F.3d 528, 531 (8th Cir. 2005) (de novo review of district court's interpretation of state law); Healthcare Servs. of the Ozarks, Inc. v. Copeland, 198 S.W.3d 604, 614 (Mo. 2006) (elements of tortious interference under Missouri law).

Accordingly, we affirm the final order of the district court denying Goldblatt's claim, and we decline to address Goldblatt's new claims on appeal, see Poolman v.

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.

City of Grafton, 487 F.3d 1098, 1101 (8th Cir. 2007) (declining to consider claim raised for first time on appeal).
