

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3265

Robyn Marshall,

Appellant,

v.

City of Saint Paul, Minnesota,
a Municipal Corporation of the
State of Minnesota,

Appellee.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: September 20, 2005
Filed: October 21, 2005

Before MURPHY, COLLOTON, and BENTON, Circuit Judges

PER CURIAM.

Robyn Marshall brought a 42 U.S.C. § 1983 action asserting that the City of Saint Paul (City), in demolishing a building she owned, took her property without just compensation and without due process of law. She filed this complaint after a state court dismissed her action for damages related to the demolition. The district court¹

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jonathan Lebedoff, Chief United States Magistrate Judge for the District of Minnesota.

granted the City's motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c), and implicitly affirmed the magistrate judge's denial of Marshall's motion to compel discovery. Marshall appeals.

After de novo review, see Waldron v. Boeing Co., 388 F.3d 591, 593 (8th Cir. 2004), we conclude the judgment was proper because Marshall's takings claim was not ripe as she had not exhausted her state inverse condemnation remedy, see Williamson County Reg'l Planning Comm'n v. Hamilton Bank, 473 U.S. 172, 195 (1985) (if state provides adequate procedure for seeking just compensation, property owner cannot bring takings claim until he has used procedure and been denied just compensation), and her due process claim was barred, see Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 125 S. Ct. 1517, 1521-22, 1524 n.2, 1526 n.8 (2005) (federal district courts lack jurisdiction to hear federal non-habeas actions "brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments"). Marshall's other arguments do not provide a basis for reversal.

Accordingly, we affirm the judgment. We also deny Marshall's motion to expand the record on appeal.
