

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 06-4161and 06-4488

PHILLIP A. VAVRO,
Appellant

v.

A.K. STEEL CO; UNIVERSITY OF MICHIGAN;
UNIVERSITY OF MICHIGAN SCHOOL OF MEDICINE;
JAMES W. ALBERS; STANLEY BERENT;
RAILROAD OCCUPATIONAL
INTRA-INDUSTRY CLAIMS ORGANIZATION;
JOHN AND MARY DOES 1-100; DOE CORPORATIONS,
PARTNERSHIPS OR OTHER ENTITIES 1-100

Case No. 06-4161

PHILLIP A. VAVRO,
Appellant

v.

ASSOCIATION OF AMERICAN RAILROADS;
NEUROBEHAVIORAL RESOURCES, INC.

Case No. 06-4488

Appeals from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Nos. 05-cv-00321and 06-cv-00115)
District Judge: Honorable David S. Cercone

Submitted Under Third Circuit LAR 34.1(a)
November 2, 2007

Before: RENDELL, WEIS and NYGAARD, Circuit Judges.

Filed: November 7, 2007

OPINION OF THE COURT

RENDELL, *Circuit Judge*.

This case involves numerous state and federal claims brought by Phillip Vavro against various defendants in two different cases, *Vavro v. A.K. Steel Co.* (06-4161) (“*Vavro I*”) and *Vavro v. Association of American Railroads* (06-4488) (“*Vavro II*”).

Vavro I was filed on March 10, 2005 and was assigned to Magistrate Judge Lisa Pupo Lenihan. On January 27, 2006, Vavro commenced *Vavro II*. It was initially assigned to Magistrate Judge Lenihan, but she recused herself because of a conflict with counsel in that case. On August 1, 2006, the Magistrate Judge issued a report and recommendation in *Vavro I*, recommending that the Defendants’ Joint Motion to Dismiss the Third Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) be granted. On August 3, 2006, Vavro filed a motion to “enforce” the recusal order entered in *Vavro II* in *Vavro I*, which the District Court denied on August 9, 2006. On August 29, 2006, the Court granted defendants’ motion to dismiss in *Vavro I* and, on September 21, 2006, granted the defendants’ motion to dismiss in *Vavro II*.

Vavro now appeals the orders of dismissal in *Vavro I* and *Vavro II* and the denial of his motion for recusal in *Vavro I*. As to the denial of his motion for recusal, Vavro failed to file a notice of appeal of the District Court’s order and therefore has waived any appeal. With regard to the dismissal of *Vavro I* and *Vavro II*, we will affirm the orders of the District Court for the reasons set forth in the Magistrate Judge’s thorough Report and

Recommendation in *Vavro I* and the District Court's carefully considered Memorandum Opinion and Order in *Vavro II*.