# Court of Appeals
# of the State of Georgia

ATLANTA, November 05, 2026

*The Court of Appeals hereby passes the following order:*

**A27D0257. ABRAHAM FYNN v. MAINSTAY PEACHTREE CORNERS LLC dba WINDSOR PEACHTREE CORNERS.**

On October 8, 2026, the magistrate court issued a writ of possession against Abraham Fynn. Nine days later, on October 17, 2026, Fynn filed an application for discretionary appeal in this Court. We lack jurisdiction.

"Ordinarily, the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b), which allows for appellate review in the state or superior court." *Harris v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025) (citing OCGA § 5-3-4(a) (providing that state and superior courts have appellate jurisdiction over final judgments of lower judicatories)). "Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court." *Harris*, 376 Ga. App. at 553. The Georgia Constitution, however, provides that "[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere." Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII. Accord Ct. App. R. 11(b). As such, this Court at times has transferred applications seeking review of magistrate court orders back to the magistrate court with direction to send the case to state or superior court.

The deadlines for filing applications for discretionary review are jurisdictional, however, and this Court cannot accept an application not made in compliance with the applicable deadline. See *Harris*, 376 Ga. App. at 553. This application is untimely because it was filed more than seven days after the entry of the magistrate court's

order. See OCGA § 44-7-56(b)(1); *Harris*, 376 Ga. App. at 553. See also *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 515–16 (915 SE2d 91) (2025) (explaining that while applications for discretionary review generally may be filed within thirty days of entry of the order sought to be appealed, an application in a dispossessory proceeding must be filed within seven days of the order on appeal).

Because this application is untimely, we decline to transfer the case back to the magistrate court with direction to send the case to state or superior court, and this application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*
*Clerk's Office, Atlanta,* 11/05/2026

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

Christina Bailey Smith , *Clerk.*