

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2026

The Court of Appeals hereby passes the following order:

A27D0073. DETRE RILEY v. HPA II BORROWER 2020 - GA LLC.

Detre Riley filed this timely application for discretionary review of a default judgment entered by the Magistrate Court of Fayette County in this dispossessory case. We, however, lack jurisdiction.

Ordinarily, “the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023) (punctuation omitted). “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 v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025).

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 Court of Appeals Rule 11(b). Thus, if it appears an applicant may have a right of appeal, this Court has construed the discretionary application as a petition for review and transferred the application back to the magistrate court with direction to send the case to state or superior court. Here, however, Riley seeks to appeal a default judgment against her, and under OCGA § 15-10-41(b)(2), “[n]o appeal shall lie from a default judgment or from a dismissal for want of prosecution after a nonappearance

of a plaintiff for trial.” Under these circumstances, Riley has no right of appeal from the default judgment, and this application is hereby DISMISSED. See *Mooney v. Zheng*, 375 Ga. App. 566, 566 (916 SE2d 771) (2025).



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Clerk's Office, Atlanta, 08/31/2026

*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.