

Court of Appeals of the State of Georgia

ATLANTA, July 10, 2026

The Court of Appeals hereby passes the following order:

A26D0596. JENNIFER MCWILSON v. ELUL LLC.

Elul LLC brought this dispossessory action against Jennifer McWilson in magistrate court. On May 14, 2026, the magistrate court entered a writ of possession in favor of Elul. McWilson filed an application for discretionary review in this Court. We dismissed the application because McWilson failed to submit a file-stamped copy of the magistrate court order, even after we directed her to do so. See Case No. A26D0526 (June 5, 2026). On June 18, McWilson filed this second application for discretionary review from the same May 14 writ of possession, this time attaching a file-stamped copy of the writ.

As we explained in our order dismissing McWilson’s first application, the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for appellate review in the state or superior court. See *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023); see also OCGA § 5-3-4(a) (providing that state and superior courts have appellate jurisdiction over final judgments of lower judiciaries). Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court. See, e.g., *Westwind Corp. v. Washington Federal Savings & Loan Ass’n*, 195 Ga. App. 411, 411(1) (393 SE2d 479) (1990); *Baker v. G. T., Ltd.*, 194 Ga. App. 450, 451(3) (391 SE2d 1) (1990). But under the Georgia Constitution, “[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, 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.

Here, however, McWilson's second application is untimely because she filed it more than seven days after the entry of the magistrate court's judgment. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516-17 (915 SE2d 91) (2025); *Radio Sandy Springs v. Allen Road Joint Venture*, 311 Ga. App. 334, 335-36 (715 SE2d 752) (2011). The deadlines for filing applications for discretionary review are jurisdictional, and this Court cannot accept an application not made in compliance with the applicable deadline. See *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Accordingly, we decline to transfer this case back to magistrate court with direction to send the case to state or superior court. Rather, the application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/10/2026

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.