

Court of Appeals of the State of Georgia

ATLANTA, August 11, 2026

The Court of Appeals hereby passes the following order:

A26D0660. LANDREN GIPSON v. ACEF - MSP JUNIPER, LLC D/B/A THE JUNIPER AND THE RESERVE.

Landren Gipson filed this discretionary application, seeking to appeal the magistrate court's order denying her leave to file a late answer in this dispossessory action. We, however, lack jurisdiction.

“[T]he 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) (citation and punctuation omitted). 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). Therefore, 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.

In this case, however, Gipson has failed to provide the material required under Court of Appeals Rule 31(e) and (f), including the motion to file a late answer and any responses thereto. It is unclear from the material provided if a dispossessory order or a writ of possession has been entered in this case. If a final order has not been entered in this case, then the order denying Gipson leave to file a late answer would be interlocutory. The state or superior court only has jurisdiction over final judgments from the magistrate court. See OCGA § 5-3-3(4) (“‘Final judgment’ means a decision of a lower judicatory in a case that is no longer pending in a lower judicatory ... ”);

OCGA § 5-3-4(a) (providing that “the superior and state courts shall have appellate jurisdiction ... over a final judgment of a lower judicatory”). Therefore, because Gipson has not provided sufficient material to demonstrate whether or when a final order was entered, we decline to transfer the application.

For the above reasons, the application is hereby DISMISSED.



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Clerk's Office, Atlanta, 08/11/2026

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.