

Court of Appeals of the State of Georgia

ATLANTA, August 25, 2026

The Court of Appeals hereby passes the following order:

**A27A0181. FREDERICK LAMBANDRAKE v. MID-AMERICA
APARTMENTS, LP.**

This case began as a dispossessory proceeding in magistrate court. Following an adverse ruling, defendant Frederick Lambandrake filed a pro se petition for review in superior court, which dismissed the petition and issued a writ of possession to the plaintiff. Lambandrake filed a motion for reconsideration, which the superior court construed as an OCGA § 9-11-60 motion to set aside and denied.

Lambandrake then filed both an application for discretionary review and a notice of appeal from the superior court's rulings. We dismissed the application as untimely and dismissed the direct appeal for failure to file a timely discretionary application. *Lambandrake v. Mid-Am. Apts.*, Case Nos. A26A1620, A26D0442 (Apr. 1, 2026). The Supreme Court subsequently denied Lambandrake's petition for a writ of certiorari in his direct appeal. *Lambandrake v. Mid-Am. Apts.*, Case No. S26C1435 (June 16, 2026).

On June 16, 2026 — the same day that the Supreme Court denied certiorari review — the superior court granted the plaintiff's renewed motion for a writ of possession.¹ On June 25, 2026, Lambandrake, still proceeding pro se, filed a notice of appeal from the June 16 order; the appeal has been docketed as the current case, no. A27A0181. We again lack jurisdiction.

¹ After our remittitur in Case No. A26A1620 issued on July 10, 2026, the superior court again granted the plaintiff a renewed writ of immediate possession on August 5, 2026.

As we explained in our prior dismissal order, an appeal from a superior court decision reviewing a lower court decision must be initiated by filing an application for discretionary review. OCGA § 5-6-35(a)(1), (b); *Bullock v. Sand*, 260 Ga. App. 874, 875 (581 SE2d 333) (2003). Despite the intervening appellate proceedings, the underlying subject matter of this appeal remains a superior court decision reviewing a lower court decision. “[I]f the underlying subject matter is listed in OCGA § 5-6-35(a), a party must follow the discretionary application process.” *Cook-Rose v. Waffle House, Inc.*, 320 Ga. 567, 569(2) (910 SE2d 562) (2024). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dep’t of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Consequently — and pretermitted whether this appeal suffers from other jurisdictional defects or is otherwise improper — Lambdrake’s failure to comply with the discretionary review procedure deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED. See *Bullock*, 260 Ga. App. at 875; *Smoak*, 221 Ga. App. at 257–58.



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Clerk's Office, Atlanta, 08/25/2026

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.