

Court of Appeals of the State of Georgia

ATLANTA, September 24, 2026

The Court of Appeals hereby passes the following order:

A27D0163. SAMUEL F. COOPER v. TRUIST BANK.

In this civil case, Samuel F. Cooper filed a motion to recuse the assigned judge, which another judge reviewed and denied. Cooper filed an application for discretionary review in the Supreme Court of Georgia, which transferred the application here. See Case No. S27D0069. We lack jurisdiction.

An order denying a motion to recuse is interlocutory and an appeal of such an order requires compliance with the interlocutory appeal procedures, including obtaining a certificate of immediate review from the trial court. See OCGA § 5-6-34(b); *Ellis v. Stanford*, 256 Ga. App. 294, 295(2) (568 SE2d 157) (2002). Filing a discretionary application under OCGA § 5-6-35 does not excuse a party seeking appellate review of an interlocutory order from complying with the additional requirements of OCGA § 5-6-34(b). See *Bailey v. Bailey*, 266 Ga. 832, 833 (471 SE2d 213) (1996). Cooper's failure to comply with the interlocutory appeal procedures deprives this Court of jurisdiction over this application, which is hereby DISMISSED.

Because we have dismissed Cooper's application, his "Motion for Supersedeas and Stay of Proceedings Pending Appeal" is hereby DISMISSED as moot.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 09/24/2026

*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.