

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2026

The Court of Appeals hereby passes the following order:

A27D0053. JEAN MICHEL TCHUENCHE v. YVETTE TEMATE-TIAGUEU.

In this divorce action, the trial court issued a final judgment and decree of divorce. Tchuenche then filed a motion to set aside and a motion for new trial. The trial court denied his motion to set aside. Notwithstanding his pending motion for new trial, Tchuenche filed the instant application for discretionary review. We lack jurisdiction.

“Generally, an order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court’s final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court.” *Thomas v. Douglas County*, 217 Ga. App. 520, 522(1) (457 SE2d 835) (1995). See also OCGA § 5-6-34(b) (setting forth the procedure for filing an appeal from an interlocutory order). According to Tchuenche’s application materials, the trial court has not yet ruled on his motion for new trial. Because the motion for new trial was still pending in the trial court, Tchuenche was required to file an application for interlocutory review. See *Athens Heart Ctr., P.C. v. Molina*, 370 Ga. App. 190, 191–94 (895 SE2d 518) (2023) (holding that a supersedeas bond order was interlocutory because there was a pending motion for new trial). And Tchuenche’s filing of an application for a discretionary appeal does not excuse him from complying with the interlocutory appeal procedures set forth in OCGA § 5-6-34(b). See *Bailey v. Bailey*, 266 Ga. 832, 832–33 (471 SE2d 213) (1996) (holding that where a party is appealing an interlocutory order, the filing of an application for a discretionary appeal is insufficient to confer jurisdiction on the appellate court).

For these reasons, this application is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 09/04/2026

*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.