

Court of Appeals of the State of Georgia

Atlanta, 09/16/2026

The Court of Appeals hereby passes the following order:

**A27O0006. DAVID GRESHAM v. DEBBIE L. BROOKS, CLERK OF
SUPERIOR COURT, SPALDING COUNTY, GEORGIA.**

David Gresham has filed an emergency petition for a writ of mandamus in this Court against Debbie L. Brooks, in her official capacity as Spalding County Superior Court Clerk. For the reasons that follow, his petition is dismissed.

This case is before us based solely upon Gresham's petition and, therefore, we must evaluate this petition based solely upon his filing. According to Gresham's petition, this dispute arose on June 10, 2026, after he attempted to file a petition for review of a probate court order in superior court. While the clerk's office accepted and date-stamped the petition for review, it refused to enter the action into the court's computer system or generate a case number, even though Gresham presented an affidavit of indigence a few days later. Gresham subsequently delivered several "emergency" filings to the clerk seeking to compel the issuance of a case number and have the case transferred to an outside judge due to a previously-established conflict of interest in a related case, which required recusal of all of the circuit judges, but the clerk still refused to issue a case number. Notwithstanding the lack of an assigned case number, superior court subsequently held a hearing at which the presiding judge orally instructed the clerk to immediately transfer the case to the

Sixth Judicial Administrative District for assignment of an outside judge. After Brooks refused Gresham's subsequent demand for proof that the case had been transferred, Gresham attempted to file an "Emergency Writ of Mandamus" seeking to compel the clerk's office to assign a case number and transfer the case, but the clerk's office refused to accept or stamp his documents because he lacked an active case number. Gresham then attempted to e-file the mandamus demand, but the clerk's office electronically rejected his submission. Although Gresham provided this Court with a copy of a three-page emergency petition for a writ of mandamus that he purportedly sought to file, the rejection notice indicates that the document he actually submitted was only a one-page "writ," which the clerk's office rejected with the comment: "PLEASE FILE A PETITION TO BEGIN YOUR CASE." In his petition before this Court, Gresham seeks an order directing Brooks to immediately accept, file, and "ink-stamp" his emergency pleadings, generate an official civil case docket number for his filings, and formally and immediately transfer his case file to the Chief Judge of the Sixth Judicial Administrative District for the expedited assignment of an outside, non-recused superior court judge.

Both the superior and appellate courts of this state "have the power to issue process in the nature of mandamus, prohibition, specific performance, quo warranto, and injunction." Ga. Const. of 1983, Art. VI, Sec. I, Par. IV. As explained by the Supreme Court of Georgia, however, an appellate court's authority to issue such writs "is connected only to such powers as necessary in aid of its jurisdiction or to protect or effectuate its judgments. It does not grant jurisdiction to [the appellate court] to issue process as an original matter wholly unconnected to its appellate jurisdiction." *Arnold v. Alexander*, 321 Ga. 330, 334(1) (914 SE2d 311) (2025) (quotation marks omitted).

Here, Gresham has not shown that his mandamus petition is related to any appeal or impending appeal in this Court or is necessary in aid of our appellate jurisdiction or to protect or effectuate any appellate court judgments. This case therefore does not present one of the “extremely rare” instances in which this Court will grant mandamus relief. See *Arnold*, 321 Ga. at 335(1) & n.6 (quotation marks omitted). Rather, the proper procedure to compel a court clerk to perform a ministerial duty is to file a petition for a writ of mandamus in the superior court, obtain an appealable ruling, and appeal any adverse decision. See *id.*; *Alexander v. Gibson*, 300 Ga. 394, 394 (794 SE2d 597) (2016). And while Gresham asserts that the superior court clerk thwarted this process by refusing to accept his filings below, his own exhibits demonstrate neither that he attempted to file a proper petition nor that any judicial order was entered rejecting it. Absent a ruling by the superior court or an impending appeal therefrom, this Court’s original mandamus jurisdiction is not invoked. See *Arnold*, 321 Ga. at 334(1).

However, we take this opportunity to emphasize the trial court clerk’s role here is ministerial.

The duties of the clerk relating to the filing of pleadings are ministerial in nature, and it is the official duty of the clerk of court to file all papers in a cause presented by the parties, to mark them filed, with the date of the filing. A paper is said to be filed when it is delivered to the proper officer, and by that officer received, to be kept on file.

Hood v. State, 282 Ga. 462, 464 (651 SE2d 88) (2007) (citation modified). Indeed, absent specific statutory mandate, a clerk’s duties related to the filing of pleadings “do not involve the exercise of discretion.” *Alexander*, 300 Ga. at 395. The legal duty imposed upon trial court clerks is “to file pleadings, not to ascertain their legal effect.” *Id.* (quotation marks omitted). “The propriety of the filing should be

considered, if at all, by the court upon motion by the parties or on its own motion, and not by the Clerk.” Id. at 396.

In this case, Gresham has not provided the document that the clerk actually rejected; he provided only a rejection notice for a one-page “writ,” which does not correspond to the multi-page petition provided to this Court. Regardless, whether the document he attempted to file constituted a proper petition for writ of mandamus is not a matter for the clerk to determine in deciding whether to accept the filing. Instead, the clerk should file whatever document that is presented, after ascertainment of the applicable filing fees or appropriate waiver thereof, and allow the trial court to make the appropriate determination as to whether the document properly constitutes what the filer purports the document to be. Nonetheless, to obtain mandamus relief, Grisham bears the burden of showing both a clear legal right to the relief sought and the lack of another adequate legal remedy. See *Bibb County v. Monroe County*, 294 Ga. 730, 734(2) (755 SE2d 760) (2014). Because he has not shown that he attempted to file a proper petition or that he was prevented from doing so below, he has not demonstrated that he lacks an adequate legal remedy in the superior court. See id. Consequently, because Gresham’s petition does not establish that the issuance of a writ of mandamus by this Court is necessary in aid of our appellate jurisdiction, we lack jurisdiction to grant his requested relief. See *Arnold*, 321 Ga. at 334–35(1).

In light of the foregoing, this petition is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/16/2026

*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.