

Court of Appeals of the State of Georgia

ATLANTA, April 16, 2026

The Court of Appeals hereby passes the following order:

A26A1698. JAMES CAPARCO v. AUBEN REALTY, LLC.

James Caparco filed in superior court a petition for review of a magistrate court order in this dispossessory action. The superior court entered a final judgment of \$8,500 in favor of plaintiff Auben Realty, LLC, finding it was entitled to possession of the property. Caparco filed this direct appeal. We, however, lack jurisdiction.

Appeals from superior court decisions reviewing lower court decisions by petition for review must be initiated by filing an application for discretionary appeal. OCGA § 5-6-35(a)(1); *Bullock v. Sand*, 260 Ga. App. 874, 875 (581 SE2d 333) (2003). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dep’t of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Caparco’s failure to comply with the discretionary appeals procedure deprives us of jurisdiction over this direct appeal. Accordingly, this appeal is hereby DISMISSED. Because we lack jurisdiction over the appeal, Caparco’s emergency motion for supersedeas is likewise DISMISSED.



Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, 04/16/2026

*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 Coley Smith

, Clerk.