

Court of Appeals of the State of Georgia

ATLANTA, August 19, 2026

The Court of Appeals hereby passes the following order:

A27A0141. JEZRAEL SEPULVEDA v. GRAYSTAR LIVING/ASSET PLUS, USA.

This case began as a dispossessory proceeding in magistrate court. Following an adverse ruling, Jezrael Sepulveda appealed to the superior court. The superior court subsequently denied Sepulveda's motion to proceed in forma pauperis, and then, on June 17, 2026, the superior court denied Sepulveda's motion for reconsideration of that decision and to set aside the underlying judgment. Sepulveda thereafter filed a motion to set aside and reenter the June 17 order. The superior court denied the motion. Sepulveda then filed both an application for discretionary appeal and a notice of appeal. We denied Sepulveda's discretionary application on the merits, *Sepulveda et al. v. Graystar Living/Asset Plus, USA*, Case No. A27D0003 (Aug. 10, 2026), and the direct appeal has been docketed as the current case. We, however, lack jurisdiction.

Appeals from superior court decisions reviewing lower court decisions by certiorari or de novo proceedings 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). "Compliance with the discretionary appeals procedure is jurisdictional." *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Because this case involves an appeal from magistrate court to superior court, Sepulveda has no right to a direct appeal here. See *Bullock*, 260 Ga. App. at 875.

Regardless, our denial of Sepulveda's application in Case No. A27D0003 renders the current appeal barred by the law of the case. See *Ross v. State*, 310 Ga.

App. 326, 327 (713 SE2d 438) (2011) (“[A]ny issue that was raised and resolved in an earlier appeal is the law of the case and is binding on this Court[.]”) (quotation marks omitted); accord *Hook v. Bergen*, 286 Ga. App. 258, 261(1) (649 SE2d 313) (2007) (a ruling on an application for discretionary appeal acts as res judicata in later proceedings); see also *Jackson v. State*, 273 Ga. 320, 320 (540 SE2d 612) (2001) (a party “is not entitled to another bite at the apple by way of a second appeal”). For the above reasons, this direct appeal is hereby DISMISSED.



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Clerk's Office, Atlanta, 08/19/2026

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.