

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2026

The Court of Appeals hereby passes the following order:

A27D0050. JANIA DRUMGOOLE v. NGINW DRIVE, LLC d/b/a POPULUS WESTSIDE.

NGI NW Drive, LLC d/b/a Populus Westside brought this dispossessory action against Jania Drumgoole in magistrate court. On July 29, 2026, the magistrate court entered an order compelling Drumgoole to pay rent into the court registry while the issue of possession is determined. Nine days later, on Friday, August 7, 2026, Drumgoole filed this application for discretionary review, seeking to appeal the July 29 order. We lack jurisdiction.

Ordinarily, the only avenue of appeal available from a magistrate court judgment is governed by OCGA § 15-10-41(b), which provides for appellate review in state or superior court. See *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023). “Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court.” *Harris v. Reserve at Hollywood*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). The Georgia Constitution provides that “[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII. Accord Ga. Ct. App. R. 11(b).

“As such, this Court at times has transferred applications seeking review of magistrate court orders back to the magistrate court with direction to send the case to state or superior court.” *Harris*, 376 Ga. App. at 553. Here, however, the order Drumgoole seeks to appeal is interlocutory. Superior and state courts have jurisdiction over only final judgments in magistrate court. See OCGA § 5-3-4(a) (“[T]he superior

and state courts shall have appellate jurisdiction . . . over a final judgment of a lower judicatory.”). See also OCGA § 5-3-3(4) (“‘Final judgment’ means a decision of a lower judicatory in a case that is no longer pending in a lower judicatory . . .”).

Regardless, even if Drumgoole’s application did not improperly seek review of an interlocutory magistrate court order, it is untimely because it was filed more than seven days after the entry of that order. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes*, 375 Ga. App. 513, 515–16 (915 SE2d 91) (2025) (while applications for discretionary review generally may be filed within thirty days of entry of the order sought to be appealed, an application in a dispossessory proceeding must be filed within seven days of the order on appeal). Accord *Harris*, 376 Ga. App. at 553. The deadlines for filing discretionary applications are jurisdictional, and this Court cannot accept an application not made in compliance therewith. *Harris*, 376 Ga. App. at 553. Thus, we decline to transfer this case to magistrate court with direction to send it to state or superior court. Rather, this untimely, interlocutory application is hereby DISMISSED. See id.



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Clerk’s Office, Atlanta, 08/31/2026

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.