

Court of Appeals of the State of Georgia

ATLANTA, June 03, 2026

The Court of Appeals hereby passes the following order:

A26A2049, A26D0500. STEPHEN FOX v. DEIDRICK CODY.

This case originated as a dispossessory matter in magistrate court. Following an adverse ruling, tenant Stephen Fox appealed to state court. On April 2, 2026, following a bench trial, the trial court found in favor of landlord Deidrick Cody. Fox then filed both a direct appeal, Case No. A26A2049, and an application for discretionary appeal, Case No. A26D0500. We, however, lack jurisdiction in both cases.

Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings must be initiated by filing an application for discretionary review. OCGA § 5-6-35(a)(11); *Strachan v. Meritor Mtg. Corp. E.*, 216 Ga. App. 82, 82 (453 SE2d 119) (1995). Fox was thus not entitled to file a direct appeal.

Although Fox filed an application for discretionary appeal, his application was untimely. Appeals in dispossessory actions, including applications for discretionary review, must be filed within seven days of the date the judgment was entered. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516–17 (915 SE2d 91) (2025). Here, however, Fox filed his application for discretionary appeal on May 5, 2026, which was 33 days after entry of the trial court’s order. The deadlines for filing applications for discretionary review are jurisdictional, and this Court cannot accept an application not made in compliance with the applicable deadline. See *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Accordingly, we also lack jurisdiction to consider Fox’s application for discretionary appeal.

For these reasons, Case No. A26A2049 is hereby DISMISSED for lack of jurisdiction. Likewise, Case No. A26D0500 is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/03/2026

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.