

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2026

The Court of Appeals hereby passes the following order:

**A27D0068. BARRY GREGORY v. LC CENTURY CENTER d/b/a GABLES
CENTURY CENTER.**

In this dispossessory action, the magistrate court entered a consent order and judgment on August 6, 2026. On August 14, 2026, Barry Gregory filed a pro se application for discretionary review in this Court. We lack jurisdiction.

“Ordinarily, the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b), which allows for appellate review in the state or superior court.” *Harris v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025) (citing OCGA § 5-3-4(a) (providing that state and superior courts have appellate jurisdiction over final judgments of lower judicatories)). “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*, 376 Ga. App. at 553. The Georgia Constitution, however, 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 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.

Here, however, Gregory cannot attack the magistrate court’s order because he consented to the judgment. See *Hurt v. Norwest Mtg., Inc.*, 260 Ga. App. 651, 656(1)(c) (580 SE2d 580) (2003) (“[N]o litigant will be heard to complain of an order or judgment of the court which he procures or assists in procuring, unless it be made

plainly to appear that the consent of the party seeking to complain was obtained by fraud or mistake.”) (quotation marks omitted). Additionally, 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 *Harris*, 376 Ga. App. at 553. This application is untimely because it was filed more than seven days after the entry of the magistrate court’s order. See OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes*, 375 Ga. App. 513, 515–16 (915 SE2d 91) (2025).

For these reasons, Gregory has no right of appeal. Accordingly, we decline to transfer this case back to the magistrate court with direction to send the case to state or superior court, and this application is hereby DISMISSED.



Court of Appeals of the State of Georgia
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.