

Court of Appeals of the State of Georgia

ATLANTA, July 27, 2026

The Court of Appeals hereby passes the following order:

A26D0647. KELLY GALLAGHER v. EAST PERIMETER POINTE.

East Perimeter Pointe (“Landlord”) filed this dispossessory action in the Magistrate Court of DeKalb County seeking a writ of possession for premises leased to Kelly Gallagher. On July 9, 2026, the magistrate court entered judgment granting Landlord a writ of possession, and Gallagher then filed this application for discretionary review of the magistrate court’s order. We lack jurisdiction.

Ordinarily, “the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” *Tate v. Habif*, 367 Ga. App. 435, 438–39(2) (886 SE2d 389) (2023) (citation and punctuation omitted). “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 LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). Under the Georgia Constitution, however, “[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 Court of Appeals Rule 11(b).

To the extent this filing may be construed as a petition for review, it is hereby TRANSFERRED to the Magistrate Court of DeKalb County with direction to transmit it to the state or superior court for disposition as appropriate. We recognize that we are in possession of limited material and that our determination that jurisdiction may lie in another court is limited by the dearth of information. Thus, our ruling should not constrain either the magistrate court or the state or superior court

to the extent those courts determine either that Gallagher has not perfected her right of appeal or that jurisdiction lies elsewhere.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/27/2026

*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.