

Court of Appeals of the State of Georgia

ATLANTA, October 26, 2026

The Court of Appeals hereby passes the following order:

A27D0203. MARK A. EBHOHIMEN et al. v. REALISTRY ACQUISITIONS, LLC.

This case began as a dispossessory proceeding in magistrate court, which issued writs of possession as to two properties in favor of plaintiff Realistry Acquisitions, LLC, and required defendant Mark Ebhohimen to pay monthly amounts into the court registry for each property, beginning on August 1, 2026, as a condition of appeal. Ebhohimen, individually and as trustee of the Ebhohimen Living Trust, filed a pro se petition for review in superior court. Realistry moved in the superior court for an immediate writ of possession due to Ebhohimen's failure to pay the amounts due into the court registry and asserted a counterclaim for past-due rent, interest, and OCGA § 13-6-11 attorney fees. On August 7, 2026, the superior court granted Realistry's motion for immediate possession and issued writs of possession as to both properties. On August 13, 2026, after Ebhohimen delivered checks in the amounts due into the court registry, the superior court stayed its August 7 rulings and scheduled a hearing. Ebhohimen then filed, in this Court, an application for discretionary review of the August 7 orders, which we dismissed for lack of jurisdiction because the orders were interlocutory. *Ebhohimen v. Realistry Acquisitions*, Case No. A27D0069 (Sept. 8, 2026).

Following the hearing, the superior court issued an order on September 25, 2026, finding that the checks Ebhohimen delivered on August 13 were returned for insufficient funds. On that basis, the court lifted its stay and granted an immediate writ of possession to Realistry. On October 1, 2026, Ebhohimen, still proceeding pro se,

filed this application for review of the September 25 order pursuant to OCGA § 5-6-35(a)(1), the discretionary appeal statute. We again lack jurisdiction.

Ebhohimen acknowledges in his application that Realistry's counterclaim still remains pending before the superior court. Consequently, the September 25 order was a non-final order that did not resolve all issues in this case. See *Rivera v. Housing Auth. of Fulton County*, 163 Ga. App. 648, 648 (295 SE2d 336) (1982); *Grantham v. Nelson*, 160 Ga. App. 68, 68 (286 SE2d 59) (1981). As a result, Ebhohimen was required to follow the OCGA § 5-6-34(b) interlocutory review procedures to appeal that order. See *Grantham*, 160 Ga. App. at 68. Where, as here, both discretionary and interlocutory review procedures apply, an applicant must follow the interlocutory appeal procedures and obtain a timely certificate of immediate review from the trial court before filing an application. See *Scruggs v. Ga. Dep't of Human Res.*, 261 Ga. 587, 588-89(1) (408 SE2d 103) (1991). Ebhohimen's failure to comply with the interlocutory appeal requirements deprives us of jurisdiction over this application for discretionary review, which is hereby DISMISSED. See *Grantham*, 160 Ga. App. at 68.



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Clerk's Office, Atlanta, 10/26/2026

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.