

COURT OF APPEALS OF THE STATE OF GEORGIA

Candelario Zazueta v. Mupr 3 Assets, LLC

Zazueta · No. A17D0174 · Decided December 7, 2016

OPINION

Candelario Zazueta v. Mupr 3 Assets, LLC

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

November 29, 2016 The Court of Appeals hereby passes the following order: A17D0174. CANDELARIO ZAZUETA v. MUPR 3 ASSETS, LLC. Candelario Zazueta filed this application for discretionary appeal seeking review of an order entered by the Cobb County Magistrate Court on November 11, 2016, in this dispossessory action. However, “[t]he only avenue of appeal available from the 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.” *Handler v. Hulsey*, 199 Ga. App. 751 (406 SE2d 225) (1991). This Court thus may address magistrate court matters only if they already have been reviewed by the state or superior court. See *Westwind Corp. v. Washington Fed. S & L Assn.*, 195 Ga. App. 411 (393 SE2d 479) (1990).

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; *Bosma v. Gunter*, 258 Ga. 664, 665 (373 SE2d 368) (1988). Accordingly, this appeal is hereby TRANSFERRED to the Cobb County State Court. Court of Appeals of the State of Georgia 11/29/2016 Clerk’s Office, Atlanta, _____ 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. _____, Clerk.