

COURT OF APPEALS OF THE STATE OF GEORGIA

Torin Pope v. US Bank National Association

Pope · No. A15A0967 · Decided February 11, 2015

SUMMARY

The Georgia Court of Appeals dismissed Torin Pope’s direct appeal from a state-court judgment arising from a dispossessory action. The court held that because the state-court order resolved a de novo appeal from magistrate court, Pope was required to use the discretionary appeal procedures under OCGA § 5-6-35(a)(11), and his failure to do so deprived the court of jurisdiction.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	February 11, 2015
DOCKET	A15A0967
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pope directly appealed to the Court of Appeals of Georgia from a state-court judgment affirming a magistrate-court judgment in a dispossessory action.
PRECEDENTIAL VALUE	Published Court of Appeals of Georgia order; precedential treatment is not otherwise specified in the source.
PARTIES	Torin Pope v. US Bank National Association

TOPICS

appellate jurisdiction

appellate procedure

landlord tenant

eviction

civil procedure

PRACTICE AREAS

civil procedure

real estate

QUESTIONS PRESENTED

1. Whether the Court of Appeals of Georgia had jurisdiction over a direct appeal from a state-court order disposing of a de novo appeal from a magistrate-court decision.

2. Whether a party appealing such an order was required to use the discretionary-appeal procedures under OCGA § 5-6-35(a)(11).

HOLDINGS

1. A party seeking review in the Court of Appeals of an order disposing of a de novo appeal from a magistrate-court decision must follow the discretionary-appeal procedures.

KEY QUOTATIONS

“Pope’s failure to do so deprives us of jurisdiction over this appeal, which is hereby DISMISSED.”

FACTUAL BACKGROUND

The case arose from a dispossessory action brought in magistrate court. Both the magistrate court and the state court entered judgment in favor of US Bank National Association.

PROCEDURAL HISTORY

The action began as a dispossessory proceeding in magistrate court, where judgment was entered for US Bank National Association. Pope appealed to the state court, which also entered judgment for the bank. Pope then filed a direct appeal in the Court of Appeals, without following the discretionary-appeal procedures.

DISPOSITION

dismissed

CASES CITED

- Strachan v. Meritor Mortgage Corp. East, 216 Ga. App. 82, 453 S.E.2d 119 (1995)

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ February 06, 2015
The Court of Appeals hereby passes the following order: A15A0967. TORIN POPE v. US BANK NATIONAL ASSOCIATION. This case began as a dispossessory action in magistrate court.

After the magistrate court entered judgment in favor of US Bank National Association, Torin Pope appealed to the state court. The state court likewise entered judgment in favor of the bank. Pope then appealed directly to this Court.

We, however, lack jurisdiction. Because the order at issue disposes of a de novo appeal from a magistrate court decision, Pope was required to follow the discretionary appeal procedures to obtain review before this Court. See OCGA § 5-6-35 (a) (11); Strachan v. Meritor Mortgage Corp.

East, 216 Ga. App. 82 (453 SE2d 119) (1995). Pope's failure to do so deprives us of jurisdiction over this appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia 02/06/2015 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.