



SUPREME COURT OF GEORGIA
Case No. S19C0480

August 05, 2019

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

RELONZO PHILLIPS v. DEKALB COUNTY ASSISTANT
PUBLIC DEFENDERS et al.

The Supreme Court today denied the petition for certiorari
in this case.

All the Justices concur.

Court of Appeals Case No. A19A0376

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa N. Barnes, Clerk

Court of Appeals of the State of Georgia

ATLANTA, October 17, 2018

The Court of Appeals hereby passes the following order:

**A19A0376. RELONZO PHILLIPS v. DEKALB COUNTY ASSISTANT
PUBLIC DEFENDERS et al.**

Plaintiff Relonzo Phillips filed this civil action while incarcerated in the DeKalb County jail.¹ After the trial court dismissed his complaint, Phillips filed a direct appeal to the Supreme Court, which transferred the case to this Court. We lack jurisdiction.

Under the Prison Litigation Reform Act of 1996 (“PLRA”), an appeal in a civil action filed by a prisoner must be initiated by filing an application for discretionary review. See OCGA § 42-12-8, cross-referencing OCGA § 5-6-35; *Jones v. Townsend*, 267 Ga. 489, 490 (480 SE2d 24) (1997). A “prisoner” for purposes of the PLRA “means a person 17 years of age or older who has been convicted of a crime and is presently incarcerated or is being held in custody awaiting trial or sentencing.”² OCGA § 42-12-3 (4). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Because Phillips was incarcerated when he filed this civil action, his failure to comply with the discretionary review procedure deprives us of

¹ Phillips’s complaint listed the address of the DeKalb County jail as his “current” address.

² The record contains no indication that Phillips is under the age of 17.

jurisdiction over this direct appeal, which is hereby DISMISSED. See *Jones*, 267 Ga. at 490-491.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/17/2018

*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.*



Stephen E. Carlton, Clerk.