

Court of Appeals of the State of Georgia

ATLANTA,

FEB -4 2009

The Court of Appeals hereby passes the following order:

A09A0998. JONES v. BYCK et al.

Prison inmate Bruce Jones filed a civil suit. Dissatisfied with the judge, Jones moved for his recusal. The trial court denied the motion, and Jones filed this direct appeal. However, the denial of a motion to recuse is not a final judgment and an appeal of such an order requires compliance with the interlocutory appeal procedures of OCGA § 5-6-34 (b).¹ Jones' failure to comply with these procedures deprives this Court of jurisdiction to consider this matter and, therefore, this appeal is hereby DISMISSED.

We further note that, as prisoner seeking to file a civil suit, Jones is required to file an application for discretionary appeal.² Thus, even if the order had been directly appealable, we would have been required to dismiss Jones' appeal.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta*

FEB -4 2009

*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.*

Willie L. Martin, Clerk.

LC#: CV061327

¹ See *Ellis v. Stanford*, 256 Ga. App. 294, 295 (2) (568 SE2d 157) (2002).

² See OCGA § 42-12-8; *Griffin v. Keller*, 278 Ga. 878 (608 SE2d 221) (2005); *Jones v. Townsend*, 267 Ga. 489 (480 SE2d 24) (1997).