

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 11, 2015

To: United States Bankruptcy Court, Room 339, Federal Building, 600 East First Street,
Rome, Georgia 30161

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under the name of Johnny Brett Gregory.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court. We do not have a file to append your copy.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.



IT IS ORDERED as set forth below:

Mary Grace Diehl

Date: December 1, 2015

Mary Grace Diehl
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN OFFICE
DEC 1 2015
CLERK, COURT OF APPEALS OF GEORGIA

In re:	:	CASE NUMBER:
	:	
JOHNNY BRETT GREGORY,	:	15-401-MGD
	:	
Petitioner.	:	MISCELLANEOUS PROCEEDING

ORDER CLOSING MISCELLANEOUS PROCEEDING

The Court, in its July 24, 2015 Order of Dismissal with Prejudice (Doc. 36) (“Order”), struck Johnny Brett Gregory’s purported Involuntary Petition and dismissed this case as an abuse of process. Mr. Gregory appealed that Order, and it was affirmed on September 15, 2015. *In re Gregory*, No. 4:15-cv-00133-TWT (N.D. Ga. Sept 15, 2015). The Order is now a final order and this proceeding may be closed. Further filings in this case by Mr. Gregory are moot, and the Court will direct the Clerk’s Office not to accept for filing any paper sent by Mr. Gregory in this case, except as set forth below.

Mr. Gregory failed to pay the filing fee associated with commencing this proceeding, and the Court denied his request for a waiver of the fee. *See* Mem. Opinion at 2 (Doc. 35). The District

Court, in dismissing Mr. Gregory's appeal, vacated its Order granting Mr. Gregory's Motion to Proceed in Forma Pauperis. *Gregory*, No. 4:15-cv-00133-TWT (Doc. 18). There is no basis to continue to allow Mr. Gregory to file pleadings without paying the full filing fee. Accordingly, any pleading in the nature of a Motion to Reopen, Motion for Relief from Judgment or Order, Notice of Appeal, or any document purporting to open a new case must be accompanied with a cashier's check or money order for the full filing fee. Any other form of payment will not be accepted by the Clerk's Office. Accordingly, it is

ORDERED THAT THIS PROCEEDING IS CLOSED. The Clerk is directed to return without filing any papers delivered by Mr. Gregory in this proceeding, except as set forth above. The Clerk is directed to serve a copy of this Order on Johnny Brett Gregory and the distribution list to be entered concurrently with this Order.

END OF DOCUMENT