Court of Appeals
of the State of Georgia

ATLANTA, December 06, 2012

The Court of Appeals hereby passes the following order:

A13D0124. MICHAEL RAY COFFEE v. THE STATE.

On September 18, 2012, the trial court ordered that the clerk of superior court return prison inmate Michael Ray Coffee's Request to Proceed in Forma Pauperis to him. The trial court indicated that Coffee's request was a re-filing of a previous request, which the court had previously denied. Coffee seeks discretionary review of the trial court's order of September 18, 2012. We lack jurisdiction.

First, Coffee's application for discretionary appeal was docketed in this Court on November 9, 2012, 52 days after the entry of the order he seeks to appeal. An application for discretionary appeal must be filed within 30 days of the order on appeal. OCGA § 5-6-35 (d). The requirements of OCGA § 5-6-35 are jurisdictional, and this Court cannot accept an application for appeal not made in compliance therewith. See *Boyle v. State*, 190 Ga. App. 734 (380 SE2d 57) (1989). Therefore, Coffee's application is untimely.

Second, although Coffee has not included with his application materials the motion that led to the trial court's order, the trial court has indicated that Coffee's request sought reconsideration of the court's earlier order. The denial of a motion for reconsideration, however, is not directly appealable. *Bell v. Cohran*, 244 Ga. App. 510, 511 (536 SE2d 187) (2000). And the filing of such a motion does not extend the time for appealing the underlying judgment – here, the order denying the request to proceed in forma pauperis. Coffee's application therefore, is untimely as to the order denying his request to proceed in forma pauperis, and is untimely as well as invalid as to the order of September 18, 2012. Accordingly, we lack jurisdiction to consider this appeal, which is hereby *DISMISSED*.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/06/2012

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.

Holly K. O. Loarca *, Clerk.*