

Order filed September 30, 2026

FOURTH DIVISION

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ERIKA JACOBS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 23 M1 101218
	)	
MEDA SOURCE STAFFING AGENCY,	)	Honorable
	)	Sondra Denmark,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE MITCHELL delivered the judgment of the court.
Presiding Justice Lyle and Justice Ocasio concurred in the judgment.

SUMMARY ORDER

¶ 1 Plaintiff, Erika Jacobs, appeals from the circuit court's order dismissing her action for want of prosecution. We dismiss the appeal for lack of jurisdiction.

¶ 2 An appellate court has an independent duty to consider its jurisdiction and may not review an appeal unless it has jurisdiction to do so. *Palmolive Tower Condominiums, LLC v. Simon*, 409 Ill. App. 3d 539, 542 (2011). Under Illinois Supreme Court Rule 301, a civil appeal lies from a final judgment of the circuit court. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994). An order is final if it terminates the litigation on the merits or otherwise disposes of the rights of the parties so that the court has nothing further to decide. *In re A.H.*, 207 Ill. 2d 590, 594 (2003); *SMS Financial CH, LLC v. Feurer*, 2025 IL App (1st) 250033, ¶ 35.

¶ 3 A dismissal for want of prosecution, however, generally is not a final and appealable order.

Section 13-217 of the Code of Civil Procedure provides that, when an action is dismissed for want of prosecution, the plaintiff may commence a new action within one year or within the remaining period of limitations, whichever is greater. 735 ILCS 5/13-217 (West 1994); *SP Consulting, Inc. v. Exceleo Business Consulting, Inc.*, 2024 IL App (1st) 230995, ¶ 18. The Illinois Supreme Court has held that, because of this statutory right to refile, a DWP does not become final and appealable until the period for refiling has expired. *S.C. Vaughan Oil Co. v. Caldwell, Troutt & Alexander*, 181 Ill. 2d 489, 497, 501-02 (1998); *Flores v. Dugan*, 91 Ill. 2d 108, 111-12 (1982); *Wold v. Bull Valley Management Co.*, 96 Ill. 2d 110, 112 (1983).

¶ 4 Here, the circuit court dismissed plaintiff's action for want of prosecution on October 16, 2025. Plaintiff thereafter filed a notice of appeal. But the section 13-217 period for refiling the action has not expired. Accordingly, plaintiff retains the statutory right to refile the action, and the circuit court's DWP order has not yet become final and appealable. See *S.C. Vaughan Oil Co.*, 181 Ill. 2d at 501-02.

¶ 5 Because the order from which plaintiff appeals is not final, this court lacks jurisdiction over the appeal. Accordingly, the appeal is dismissed in accordance with Illinois Supreme Court Rule 23. Ill. S. Ct. R. 23(c)(1) (eff. June 3, 2025).

¶ 6 Dismissed.