

## Dismissed With Prejudice Law & Legal Definition

A dismissal with prejudice is dismissal of a case on merits after adjudication. The plaintiff is barred from bringing an action on the same claim. Dismissal with prejudice is a final judgment and the case becomes res judicata on the claims that were or could have been brought in it.

A court has inherent power to dismiss an action with prejudice if it is vexatious, brought in bad faith, or when there has been a failure to prosecute it within a reasonable time. When a plaintiff who has commenced an action fails to comply with discovery devices, a court, which has issued the order of compliance, may *sua sponte* dismiss the case with prejudice.

In criminal prosecutions, dismissal with prejudice bars the government from prosecuting the accused later on the same charge. A dismissal with prejudice is made in response to a motion to the court by the defendant or by the court sua sponte, if the accused is deprived of the constitutional right to a speedy trial.

### Sua Sponte

: (sooh-uh spahn-tay) adj. Latin for "of one's own will," meaning on one's own volition, usually referring to a judge's order made without a request by any party to the case. These include an order transferring a case to another judge due to a conflict of interest or the judge's determination that his/her court does not have jurisdiction over the case.