

FRESNO COUNTY SUPERIOR COURT
By _____

1 However, "in order to satisfy jurisdictional requirements
2 under California law, an individual must be in actual or
3 constructive state custody at the time he or she files a petition
4 for writ of habeas corpus." (In re Sodersten (2007) 146
5 Cal.App.4th 1163, see People v. Villa (2009) 45 Cal.4th 1063,
6 1068-1074.)

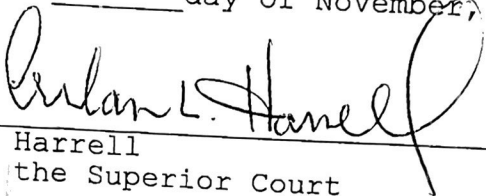
7 Initially, the Court notes that, in the instant petition, the
8 Nonhuman Rights Project, Inc. does not allege that any of the
9 named Respondents, the Fresno's Chaffee Zoo Corporation or Jon
10 Forrest Dohlin, are either a state or local governmental entity or
11 work for, or on behalf of, a state or local governmental entity.
12 (Petition for Writ of Habeas Corpus, p. 26, lines 12-16
13 [describing the Fresno's Chaffee Zoo Corporation as a "501(c)(3)
14 non-profit corporation incorporated in the State of California"
15 and Jon Forrest Dohlin as the "Chief Executive Officer & Zoo
16 Director of the Fresno Zoo"].)

17 Nevertheless, "[t]he critical factor in determining whether a
18 petitioner is in actual or constructive state custody ... is not
19 necessarily the name of the governmental entity signing the
20 paycheck of the custodial officer in charge," but "whether [the
21 petitioner's custody] is currently authorized in some way by the
22 State of California." (Villa, supra, 45 Cal.4th 1063, 1073.) In
23 this case, the Nonhuman Rights Project, Inc. does not allege that
24 any of the three elephants are currently present at the Fresno
25 Chaffee Zoo due to any actual custodial sentence imposed by a
26 trial court in the State of California, a constructive substitute
27 for an actual custodial sentence (such as parole or probation), or
28 "some official state action (like a detainer hold) connected to a

1 person's custodial status." (Id. at p. 1074.) Therefore, the
2 Nonhuman Rights Project, Inc. has failed to establish that any of
3 the three elephants were in the actual or constructive custody of
4 the State of California at the time the instant habeas corpus
5 petition was filed. Consequently, the petition "does not meet the
6 habeas corpus jurisdictional requirements of California law." (In
7 re Williams (2015) 241 Cal.App.4th 738, 745.)

8 Accordingly, the petition for writ of habeas corpus is
9 denied.

10 DATED this 15th day of November, 2022.

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13 Arlan L. Harrell
14 Judge of the Superior Court
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