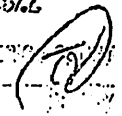


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FRESNO COUNTY SUPERIOR COURT  
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
CENTRAL DIVISION

In re Nonhuman Rights Project, )	No. 22CRWR686796
Inc., on behalf of Amahle, )	
Nolwazi, and Vusmusi, )	Dept. 62
)	
Petitioners, )	ORDER
)	
On Habeas Corpus. )	
)	

Having considered the petition for writ of habeas corpus, initially filed with the Superior Court of California, County of San Francisco on May 3, 2022, transferred to this Court on July 11, 2022, filed in this Court as a petition for writ of mandate on August 15, 2022, and refiled as a petition for writ of habeas corpus in this Court on October 21, 2022, the Court finds that Petitioner has not stated a prima facie case for relief.

In the instant petition, the Nonhuman Rights Project, Inc. requests that the Court issue a writ of habeas corpus regarding three African elephants, Amahle, Nolwazi, and Vusmusi, who are alleged to be unlawfully imprisoned and restrained of their liberty at the Fresno Chaffee Zoo by the Fresno's Chaffee Zoo Corporation and its Chief Executive Officer and Zoo Director, Jon Forrest Dohlin. (Petition for Writ of Habeas Corpus, p. 15, lines 5-11.)

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.)

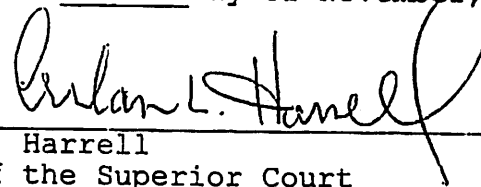
7           Initially, the Court notes that, in the instant petition, the  
8 Nonhuman Rights Project, Inc. does not allege that any of the  
9 named Respondents, the Fresno's Chaffee Zoo Corporation or Jon  
10 Forrest Dohlin, are either a state or local governmental entity or  
11 work for, or on behalf 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 15<sup>th</sup> day of November, 2022.

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12  
13 Arlan L. Harrell  
14 Judge of the Superior Court  
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