

**STATE OF MICHIGAN  
MICHIGAN SUPREME COURT**

**NONHUMAN RIGHTS PROJECT, INC.,**

Plaintiff-Appellant,

Supreme Court No. 169351

Court of Appeals No. 369247

Menominee Circuit Court

v.

L.C. No. 23-17621-AH

**DEYOUNG FAMILY ZOO, LLC and**

**HAROLD DEYOUNG,**

Defendants-Appellees

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**DEFENDANTS-APPELLEES**

**ANSWER TO PLAINTIFF-APPELLANT'S APPLICATION FOR LEAVE TO APPEAL**

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## JUDGMENT APPEALED FROM

Plaintiff-Appellant, Nonhuman Rights Project, Inc. (“NHRP”), requested leave to file an appeal from the October 17, 2025 Decision of the Court of Appeals (Ackerman, Swartzle, Trebilcock, JJ.), affirming the December 12, 2023 Order of the Circuit Court summarily denying NHRP’s Complaint for a Writ of Habeas Corpus on behalf of seven chimpanzees that are owned by and housed at the DeYoung Family Zoo (“DYZ” or “zoo”). Plaintiff-Appellant sought the issuance of an order to show cause pursuant to MCL 600.4316 and MCR 3.303(D), which was denied because chimpanzees are not “persons” eligible for habeas relief. Plaintiff-Appellant then filed an application for leave to file an appeal with this Court. Jurisdiction is appropriate pursuant to MCR 7.303(B)(1).

## QUESTIONS PRESENTED FOR REVIEW

1. Did the Court of Appeals err in holding that the Complaint did not establish an entitlement to an order to show cause pursuant to MCL 600.4316 and MCR 3.303(D)?

Plaintiff-Appellant’s answer: Yes.

Defendants-Appellees’ answer: No.

2. Did the Court of Appeals err in holding that the seven chimpanzees are not “persons” for purposes of habeas relief under this Court’s decisions in *Sterling v. Jackson* and *Ten Hopen v. Walker*?

Plaintiff-Appellant’s answer: Yes.

Defendants-Appellees’ answer: No.

3. Did the Court of Appeals err in holding that the seven chimpanzees are not “persons” for purposes of habeas relief because of their inability to bear duties or enter into the social contract?

Plaintiff-Appellant’s answer: Yes.

Defendant-Appellees’ answer: No.

4. Should Michigan common law evolve to recognize that the seven chimpanzees have the common law right to bodily liberty protected by habeas corpus (and are thus “persons” for purposes of habeas relief)?

Plaintiff-Appellant’s answer: Yes.

Defendant-Appellees’ answer: No

## INTRODUCTION

Since 2013, Plaintiff-Appellant, NHRP has filed, and lost, at least eight lawsuits in multiple states (including New York, Connecticut, California, Colorado, and Hawaii) seeking to rewrite the common law and treat certain animals (chimpanzees and elephants) as “persons” entitled to petition for habeas corpus relief. These courts have repeatedly rejected NHRP’s arguments based on the same rationale as the lower courts in this case—chimpanzees and elephants are simply not “persons” under the law and are not entitled to habeas corpus relief.

NHRP’s arguments are insufficient to meet the basic requirements to obtain habeas corpus relief, which, simply stated, is the immediate release from “unlawful” detention. The seven chimpanzees at issue here were lawfully acquired and are lawfully owned by the DYZ and are housed at its privately-owned zoo in Wallace, Michigan in accordance with applicable federal, state and local laws. NHRP attempts to address these “inconvenient” facts by requesting that this Court upend centuries of habeas corpus precedent and modify the standard required to obtain habeas corpus relief as “unjust,” rather than “unlawful,” and to find that confinement resulting in the deprivation of a chimpanzee’s bodily liberty is *per se* “unlawful.” NHRP does not request the immediate release of the chimpanzees from confinement, but instead requests that the Court order their transfer from one confinement facility to another confinement facility of its choosing.

This Court should deny the NHRP's Application for Leave to Appeal because the Court of Appeals did not err in rejecting NHRP's arguments and finding that chimpanzees are not entitled to habeas corpus relief.

## STATEMENT OF MATERIAL PROCEEDINGS AND FACTS

### I. Proceedings below

#### A. Order of the Circuit Court

NHRP filed its Complaint on December 7, 2023, seeking an order to show cause pursuant to MCL 600.4316 and MCR 3.303(D). On December 12, 2023, the Menominee County 41st Circuit Court summarily denied Plaintiff's request for an Order to Show Cause because the alleged "prisoner" chimpanzees are not "persons" as required by MCR 3.303 and, therefore, Plaintiff is not entitled to a writ of habeas corpus.

#### B. Decision of the Court of Appeals

NHRP timely appealed. Defendant-Appellees DeYoung Family Zoo, LLC and Harold L. DeYoung did not participate in the appeal. Oral argument was held on October 14, 2025. On October 17, 2025, the panel issued its Decision affirming the trial court's order, holding that chimpanzees are not "persons" eligible for habeas relief.

#### C. Material Facts

The chimpanzee known as "Louie" was legally acquired by the DYZ in 2010 and was exhibited to the public until 2015, when he was taken off exhibit. The other chimpanzees owned by the DYZ are retired performing chimpanzees or former pets that were legally donated to the zoo by their former owners and have never been on public exhibition at the zoo. The DYZ built a private

preserve for the chimpanzees that was entirely self-funded. The DYZ derives no income or compensation from the chimpanzees, does not solicit donations, and does not engage in fundraising to cover the cost of their care and feeding. The DYZ is licensed by the United States Department of Agriculture (“USDA”) as an “exhibitor” under the Animal Welfare Act, and has been subject to unannounced inspections by USDA animal care inspectors and veterinarians, including its nonhuman primate specialist, nineteen times between 2014 and 2025. USDA has never cited the zoo for a single violation of the Animal Welfare Act, regulations, or standards involving chimpanzees and has never commenced a civil, criminal or administrative enforcement proceeding against the DYZ.

Upon information and belief, the photos and videos cited by the affidavits of the NHRP’s “experts” and briefs were taken from a parking lot on a single day when the zoo was closed to the public..

## **ARGUMENT**

### **Standard of review applicable to all issues**

The issues here are subject to de novo review as they solely concern questions of law. *See, People v. Posey*, 512 Mich 317, 332 (2023). Questions of constitutional law are reviewed by this Court de novo. *People v LeBlanc*, 465 Mich 575, 579; 640 NW2d 246 (2002).

#### **I. THE COURT OF APPEALS DID NOT ERR IN FINDING THAT CHIMPANZEES ARE NOT ENTITLED TO HABEAS CORPUS RELIEF**

##### **A. CHIMPANZEES ARE NEITHER “PERSONS” OR “PRISONERS” ENTITLED TO HABEAS CORPUS RELIEF**

This Court should deny the NHRP’s Application for Leave to Appeal because the Court of Appeals did not err in finding that chimpanzees are not “persons” and, therefore, are not entitled to a writ

of habeas corpus. As the Court of Appeals stated, “[t]he writ of habeas corpus is ‘a civil proceeding the main purpose of which is to cause the release of persons illegally confined, to inquire into the authority of law by which a person is deprived of his liberty.’” *People v. McCager*, 367 Mich 116 at 121 (1962). The right to a writ of habeas corpus is fundamental to *personal* liberty. The Michigan habeas corpus statute refers to both “persons” and “prisoners.” *See, e.g.*, MCL 600.4349. The habeas corpus statute defines “prisoner” as “the person on whose behalf the writ is issued, such as an inmate of a penal or mental institution, the child whose custody is sought, and other persons alleged to be restrained of their liberty.” MCL 600.4322. Likewise, court rules implementing the statute provide that “[a]n action for habeas corpus may be brought by the prisoner or by another person on the prisoner’s behalf.” MCR 3.303(B). Upon the filing of a complaint, the court may issue the writ or an order to show cause “unless it appears that the prisoner is not entitled to relief.” MCR 3.303(D)(1).

Where a statute specifically defines a given term, that definition alone controls. *Citizens Ins. Co. of Am. v. Univ. Physician Group*, 319 Mich. App. 642, 644 (2017). The fact that NHRP repeatedly characterizes the chimpanzees as the “DeYoung Prisoners” does not make them “prisoners” as defined under Michigan law. The chimpanzees do not meet the statutory definition of a “prisoner” as they are not inmates of a penal or mental institution, a child whose custody is sought, or other “persons” alleged to be restrained of their liberty.

The term “person” is not specifically defined in Michigan’s habeas corpus statute. When terms are not expressly defined in the statute, they must be interpreted on the basis of their ordinary meaning and the context in which they are used. NHRP’s argument that statutes frequently define non-human entities, such as corporations or other business entities, as a “person” under the law is irrelevant in the context of a habeas corpus proceeding. The literal translation of “habeas corpus”

is “you should have the body”, meaning that a detained person should be brought before a judge to determine whether their detention is lawful, and, if not, to immediately release the person to restore their *personal* liberty. Given that business entities, even when “deemed” to be a “person” under the law for certain purposes, lack a physical “body,” have no cognizable interest in personal liberty and are incapable of being physically “detained” in the same manner as a natural person, the NHRP’s attempt to equate business entities with natural persons for purposes of habeas corpus relief lacks merit.

Likewise, as the Court of Appeals stated, animals “are not ‘persons’ possessing the ‘personal liberty’ interest that habeas vindicates.” Under both common law and Michigan law, chimpanzees are animals, not persons, and animals are treated as property.. There is no exception for “intelligent” animals, which as the Court of Appeals noted, has no stopping point. Every other court in the United States where NHRP has brought nearly identical lawsuits involving chimpanzees or elephants has reached the same conclusion based on the same rationale as the Court of Appeals in this case.<sup>1</sup> For these reasons, the chimpanzees at issue are not entitled to

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<sup>1</sup> See, e.g., *Nonhuman Rights Project, Inc. v. Cheyenne Mt. Zoological Soc’y*, 562 P.3d 63 (Col. 2025) (holding that Colorado's habeas corpus statute applies only to "persons" and does not extend to nonhuman animals, such as an elephant); *Matter of Nonhuman Rights Project, Inc. v. Breheny*, 197 N.E. 3d 921 (N.Y. 2022) (affirming denial of writ of habeas corpus because the writ was intended to protect human beings and has no applicability to an elephant housed at the city zoo); *Nonhuman Rights Project, Inc. v. R. W Commerford & Sons, Inc.*, 231 A.3d 1171 (Conn. App. 2020) (affirming dismissal of the petition for a writ of habeas corpus made on behalf of an elephant because an elephant, not being a "person," lacked standing); *Nonhuman Rights Project, Inc. v. R. W Commerford & Sons, Inc.*, 216 A.3d 839 (Conn. App. 2019) (affirming trial court's denial of a writ on behalf of three elephants housed in a zoo because the elephants, not being “persons,” lacked standing); *In re: Nonhuman Rights Project, Inc.*, No. 25CJHC00060-01 (Cal. Super. June 12, 2025) (denying petition for writ of habeas corpus because the writ was intended to protect human beings and it has no applicability to elephants, which are not "persons"); *Nonhuman Rights Project, Inc. v. City and County of Honolulu*, et al., No. 1 CCV23-0001418 (Haw. 1st Cir. Jan. 16, 2024) (granting motion to dismiss petition for writ of habeas corpus because elephants are not persons); *Nonhuman Rights Project v. Presti*, 124 A.D.3d 1334 (2015) (finding that habeas corpus relief does not lie where a petitioner seeks only to change the conditions of confinement rather than immediate

habeas corpus relief as a matter of law, and, therefore, the NHRP is not entitled to petition for habeas corpus relief vicariously on their behalf.

**II. THE COURT OF APPEALS DID NOT ERR IN FINDING THAT NHRP WAS NOT ENTITLED TO AN ORDER TO SHOW CAUSE**

**A. THE CHIMPANZEES ARE NOT UNLAWFULLY OR ILLEGALLY DETAINED AND ARE NOT ENTITLED TO HABEAS CORPUS RELIEF**

The NHRP argues that the lower courts erred by not issuing an order to show cause because they failed to evaluate whether the Complaint made a *prima facie* case that the chimpanzees are being “illegally imprisoned—that is, imprisoned in violation of their right to bodily liberty.” Plaintiff-Appellant’s Application for Leave to File Appeal at p.18. In fact, the Complaint did not make a *prima facie* case of illegal imprisonment. The Complaint states that the chimpanzees have the common law right to bodily liberty protected by habeas corpus, and that “their right has been violated, thereby rendering their imprisonment illegal.” Complaint ¶ 307. In other words, NHRP takes the position that the mere confinement of these chimpanzees and the resulting deprivation of their bodily liberty is *per se* illegal. NHRP then attempts modify the requirement that habeas corpus relief be based on “unlawful” or “illegal” restraint to a much lower and more subjective

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release from confinement). *Nonhuman Rights Project, Inc, on Behalf of Tommy v. Lavery*, 31 N.Y.3d 1054 (2018) (denying motion for leave to appeal thereby upholding appellate court decision that chimpanzees are not persons); *Nonhuman Rights Project, Inc., on behalf of Hercules and another Petitioner v. Stanley*, 49 Misc.3d 746 (N.Y. Sup. Ct. 2015) (denying petition for a writ of habeas corpus based on the precedent established in *Lavery*).

In December, 2025, NHRP filed a lawsuit in the Court of Common Pleas of Allegheny County, Pennsylvania seeking habeas corpus relief for five elephants housed at the Pittsburgh Zoo, which remains ongoing. *Nonhuman Rights Project, Inc., on behalf of Angeline, Savana, Tasha, Victoria, and Zuri v. Zoological Society of Pittsburgh and Dr. Jeremy Goodman, CEO and President of the Pittsburgh Zoo*, (Case No. GD-25-010963).

standard of “unjust” restraint.<sup>2</sup> Thus, NHRP seeks to completely upend centuries of habeas corpus precedent because it lacks any credible basis in fact or law to argue that these chimpanzees are restrained unlawfully or illegally.

The NHRP alleges no facts disputing that the chimpanzees at issue were lawfully acquired and legally owned by the DYZ. While animals are not afforded the same rights as humans under the law, they are afforded legal protections pursuant to a variety of federal, state, and local laws and NHRP has presented no evidence that the zoo has violated any of these laws. For example, the United States Department of Agriculture (“USDA”) administers and enforces the federal Animal Welfare Act (“AWA”), 7 U.S.C. § 2131 *et seq.*, which regulates, among others, zoos and other exhibitors<sup>3</sup> of animals, including the DYZ. The AWA regulates the transportation, purchase, sale, housing, care, handling, and treatment of animals used for exhibition purposes. 7 U.S.C. § 2131 *et seq.* An entire section of USDA’s regulations is dedicated to requirements, including handling, veterinary care, housing, feeding, watering and environmental enrichment, for nonhuman primates, including chimpanzees. 9 C.F.R. §§ 3.75-3.92. Exhibitors are required to obtain an AWA license, and must demonstrate compliance with the AWA, regulations and standards before being issued an initial license or being relicensed every three years. 9 C.F.R. §§ 2.1; 2.5. The AWA authorizes criminal, civil and administrative sanctions for violations of the Act, regulations, and standards. Licensees are subject to unannounced inspections and must make their facilities,

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<sup>2</sup> For example, NHRP uses the term “unjust” at least eighteen times in its Application for Leave to Appeal, but only uses the terms “unlawful” or “illegal” seven times, most of which are in the context of quoted references.

<sup>3</sup> The term “exhibitor” is defined, in pertinent part, as any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such terms includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not.

records and animals available for inspection. Between 2014 and 2025, the DYZ was inspected by USDA nineteen times and, during that period, was not cited for any violations relating to chimpanzees and has never been the subject of a USDA enforcement proceeding.<sup>4</sup>

Finally, under Michigan law, animals are the property of the owner. The Michigan Supreme Court has recognized that “by the law of nature every man, of whatever rank or station, has an equal right of taking, for his own use, all creatures fit for food that are wild by nature, so long as they do no injury to another’s rights.” *Sterling v Jackson*, 69 Mich 488, 496; 37 NW 845 (1888). While *Sterling* spoke in terms of animals “fit for food,” that phrasing reflected the issue in dispute. The Court has more broadly observed that “[i]t is settled in this State that dogs . . . are the property of the owner as much as any other animal which one may have or keep.” *Ten Hopen v Walker*, 96 Mich 236, 239; 55 NW 657 (1893). The NHRP now seeks to grant personhood status for chimpanzees that historically have been property under the law and the DYZ relied on that legal classification when it acquired the chimpanzees. The relief sought by NHRP would therefore implicate the DYZ’s Constitutional rights prohibiting the “taking” of property without just compensation.

The NHRP cites nothing in the common law, the U.S. Constitution, the Michigan Constitution, Michigan statutes, or the Michigan Court Rules to support the use of habeas corpus in a case where Petitioners seek the release of animals that have always been treated as property under the law from a privately owned zoo. The purpose of a writ of habeas corpus is to inquire into the *authority of law* under which a person is deprived of his liberty to determine whether the person is illegally

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<sup>4</sup> USDA Inspection Reports are available at <https://aphis.my.site.com/PublicSearchTool/s/inspection-reports>. The reports for this facility can be accessed by inserting 34-C-0041 into the “certificate number” field and selecting “query inspection reports.”

confined, *McCager* at 121. Habeas corpus relief serves as a remedy for substantive or procedural defects in the legal process that resulted in the person's confinement. Such defects include, but are not limited to, violations of Constitutional rights, violations of civil rights, jury misconduct, judicial misconduct, ineffective counsel, and prosecutorial misconduct. The terms "unlawful" or "illegal" in habeas corpus proceedings, therefore, means that the person is restrained as a result of defects in the legal process that led to the restraint. The chimpanzees here are not being held as a result of any legal process whatsoever and therefore, the NHRP is not entitled to habeas corpus relief..

**B. THE REMEDY SOUGHT BY NHRP IS INAPPROPRIATE IN A HABEAS CORPUS PROCEEDING**

Michigan courts have long held that the primary, if not the only, object of a writ of habeas corpus is to determine the legality of the restraint under which a person is held. *Carlson v Landon*, 342 U.S. 524; 72 S Ct 525; 96 L Ed 547 (1952), *reh den* 343 U.S. 988; 72 S Ct 1069; 96 L Ed 1375 (1952). A distinction must be made between a challenge to the fact of confinement and an attack on the conditions of confinement. Habeas corpus is proper in the former instance; in the latter it is not. *Phillips v. Warden, State Prison*, 153 Mich. App 557, 565-566. *See also, Jamieson v Robinson*, 641 F2d 138 (CA 3, 1981) (finding that a complaint alleging prisoner's eligibility for home furlough status does not sound in habeas corpus). Therefore, the appropriate relief in a habeas corpus proceeding is the immediate discharge of an unlawfully detained person and the restoration of the person's liberty and freedom.

Here, the NHRP fully understands that these chimpanzees lack the survival skills to live in their native habitat, and, therefore, can never be released from human confinement. The DYZ chimpanzees were born in captivity and the NHRP admits that they have lived at the DYZ for at

least eight years. They have relied on human caretakers for food, water, and care their entire lives and have formed bonds with their caretakers at the DYZ. The NHRP seeks to relocate the chimpanzees from one confinement facility to a different confinement facility of its choosing with a nicer sounding name (“sanctuary”). Using the NHRP’s vernacular, these chimpanzees will always be “prisoners” and, by analogy, the NHRP merely seeks to change their prison warden and to relocate them to what it believes is a lower security level prison.

Further, even if movement to a different confinement facility was an appropriate remedy in this proceeding, publicly available information suggests that relocation to a sanctuary accredited by the Global Federation of Animal Sanctuaries (“GFAS”) may not result in an improvement of their confinement conditions. NHRP spends a considerable amount of effort touting the high standards required of GFAS-accredited sanctuaries and criticizing USDA’s standards as “minimum” standards that are “wholly insufficient” to address the complex needs and autonomy of captive chimpanzees. *See, e.g.*, Complaint ¶ 165, citing *Jensvold Aff.*, ¶97 (“The zoo does not meet the AZA standards for chimpanzee care, let alone the rigorous standards of a GFAS-accredited sanctuary. The USDA is the only organization providing oversight of the zoo, and its standards are minimal and wholly insufficient. Unlike GFAS, the USDA does not have specific standards that address the complex needs and autonomy of captive chimpanzees”). In particular, NHRP cites the importance of “environmental enrichment” for chimpanzees. *See, e.g.*, Complaint ¶¶ 146, 157, 158, 159, 161, 181, 183, 263.

Between 2019 and 2023, one of the NHRP's preferred GFAS-accredited sanctuaries was cited on USDA inspection reports<sup>5</sup> for five critical<sup>6</sup> violations of the AWA regulations and standards, two of which involved violations of USDA's environmental enhancement standards, which as noted above, NHRP disparages as "minimal," "wholly insufficient," and inferior to the "more rigorous" standards required of GFAS-accredited facilities. One inspection report noted that during a nine-month period, two male chimpanzees were repeatedly injured and endured distress while housed in an unstable social group with an alpha-male chimpanzee, who was known by the facility's medical staff, director, and care technicians to be "overly aggressive." As a result, one chimpanzee sustained injuries to his hands, feet, anus, torso, and face. The other chimpanzee sustained multiple injuries to his testicles, anus, and face, and frequently sat alone under an indoor enclosure bench<sup>7</sup>. While NHRP asserts that "GFAS also considers physical well-being in its standards" (*See*, Complaint ¶185, citing *Jensvold Aff.* ¶ 80, "Chimpanzees should be able to enjoy lives as close as possible to their wild counterparts and have opportunities to engage in species-typical behaviors. *Id.* This requires regular assessments to ensure that chimpanzees have an appropriate social environment." *Id.*) It is hard to imagine how this sanctuary could maintain its GFAS accreditation based on egregious violations<sup>8</sup> of the AWA under USDA's "less rigorous standards" that resulted

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<sup>5</sup> USDA Inspection Reports are available at <https://aphis.my.site.com/PublicSearchTool/s/inspection-reports>. The reports for this facility can be accessed by inserting 58-C-0706 into the "certificate number" field and selecting "query inspection reports." The inspection reports are dated 2/27/2023; 3/4/2019; 8/15/2019; 2/5/2019

<sup>6</sup> "Critical" is defined as a violation that had a serious or severe adverse effect on the health and well-being of the animal. *See*, Animal Welfare Inspection Guide, § 2.4.5 (2025), available at <https://www.aphis.usda.gov/sites/default/files/animal-welfare-inspection-guide.pdf>.

<sup>8</sup> Other critical violations included the failure to have a written program of veterinary care, insufficient staffing levels to provide adequate veterinary care that resulted in the delayed

in two chimpanzees suffering repeated injuries over a nine-month period due to the facility/s failure to provide an appropriate social environment. And, because the GFAS facility inspections are not transparent, the public is unlikely to ever know why it remains accredited by GFAS.<sup>9</sup>

As noted above, habeas corpus relief is not appropriate when the only relief sought is a change in the conditions of confinement.

### **III. THE COURT OF APPEALS DID NOT ERR IN DECIDING THAT MICHIGAN COMMON LAW SHOULD NOT EVOLVE TO PROVIDE HABEAS CORPUS PROTECTION FOR CHIMPANZEES**

The Court of Appeals noted that “a central aspect of personhood is mankind’s capacity to ‘give up a part of his natural liberty’ and oblige] himself to conform to those laws, which the community has thought proper to establish.” Opinion at p.13, citing 1 Blackstone, p \*125. Democratic societies are grounded in a conceptual social contract under which rights are conferred in exchange for an implied agreement to submit to societal duties and responsibilities, including compliance with legal mandates. The NHRP argues that chimpanzees should be afforded the same rights as human beings, but there is nothing in the twenty nine page comparison of chimpanzees to human beings in the Complaint (See, ¶¶ 42-134) to suggest that chimpanzees have the cognitive ability to understand the complex, reciprocal nature underlying the social contract and to consciously accept a duty to be bound by laws passed by human beings in exchange for receiving rights under those

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euthanasia of a female chimpanzee; inadequate veterinary care of a chimpanzee with an open fracture of the toe, with bone exposure, pain, and clear signs of infection; failure to provide veterinary care for a chimpanzee for three months, resulting in euthanasia of the animal; and housing two chimpanzees who were known to be incompatible in enclosures next to each other, resulting in an injury to one chimpanzee when they fought with each other through a wire mesh panel.

<sup>9</sup> See, e.g., <https://theirturn.net/2021/04/28/gfas-hsus-conflict-of-interest/>

laws. This is the core difference between humans and animals and it fully justifies the Court of Appeals' refusal to extend habeas corpus rights to chimpanzees.

Further, as noted previously, a decision to afford chimpanzees habeas corpus rights in the context of this lawsuit, has a domino effect that would result in the other significant changes to longstanding habeas corpus precedent advocated by the NHRP, including treating the mere confinement of an intelligent animal as *per se* unlawful, changing the current standard for entitlement to relief from "unlawful" confinement to "unjust" confinement, providing habeas corpus relief in the absence of any legal process, and using habeas corpus proceedings to effectively seize property from its lawful owner. These changes are not only unprecedented in the long history of habeas corpus law but would lead courts into entirely uncharted territory with significant future legal ramifications. For these reasons, this Court should deny the NHRP's Application for Leave to Appeal.

#### **PRAYER FOR RELIEF**

Defendants-Appellees request that this Court deny Plaintiff-Appellant's Application for Leave to Appeal.

### CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limitation set forth in MCR 7.212(B)(1) and with the format requirements of MCR 7.212(B)(5). According to the word-processing system used to produce this document, there are 15,147 words in this brief.

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**PROOF OF SERVICE**

I certify that a copy of Defendant-Appellees' Answer to Plaintiff-Appellant's Application for Leave to Appeal was served by USPS Express Mail to: Ginny Mikita, Mikita Kruse Law Center, 6411 Bella Vista Drive NE, Suite 1 Rockford MI 49341 I also certify that a notice of the filing of Defendant-Appellees' Answer to Plaintiff-Appellant's Application for Leave to Appeal was served on the clerks of the Court of Appeals and the Menominee County 41st Circuit Court.

/s/ Timothy Churchill

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