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 10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
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 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 ISAIAS LOPEZ,
 18 Defendant.

No. 2:25-cr-00705-MEMF
GOVERNMENT'S MOTION IN LIMINE #1
TO PRECLUDE SELF-DEFENSE
 Hearing Date: Nov. 5, 2025
 Hearing Time: 3:00 p.m.
 Location: Courtroom of the
 Hon. Maame Ewusi-
 Mensah Frimpong

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 21 Plaintiff United States of America, by and through its counsel
 22 of record, the Acting United States Attorney for the Central District
 23 of California and Assistant United States Attorneys Rahul R.A. Hari
 24 and Eric L. Mackie, hereby files its motion in limine to preclude
 25 defendant from raising a self-defense theory at trial.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Isaias Lopez struck Federal Protective Services ("FPS") Officer L.R. on the bridge of his nose with the lens of his camera. When Officer L.R. moved defendant's arm away and instructed defendant to step back from federal property, defendant shouted, "fuck you," and pushed Officer L.R. in the chest. For his conduct, defendant has been charged with violating 18 U.S.C. § 111(a)(1), assault on a federal officer. The government anticipates that defendant may raise an affirmative defense of self-defense to the § 111(a)(1) charge at trial. Because defendant cannot establish the prima facie elements of self-defense, he should be precluded from raising the defense at trial.

There are two circumstances in which a defendant could argue self-defense in a § 111 case, each with its own framework of analysis: (1) defendant could argue that he did not know the victim officer was a federal officer or (2) defendant could argue that he was acting in defense of excessive force. The government does not expect defendant to argue -- nor would the evidence support -- a self-defense theory under the first framework. Therefore, for defendant to argue self-defense at trial, he must first make an offer of proof that: (1) he had "a reasonable belief that the use of force was necessary to defend himself or another against the immediate use of unlawful force" and (2) he used "no more force than was reasonably necessary in the circumstances." United States v. Acosta-Sierra, 690 F.3d 1111, 1126 (9th Cir. 2012) (cleaned up) (noting that the excessive force self-defense instruction was only appropriate in "a

1 narrow range of circumstances"); United States v. Urena, 659 F.3d
2 903, 907 (9th Cir. 2011).

3 To date, the government has not received an offer of proof as to
4 how defendant can establish a prima face case of self-defense against
5 excessive force. Nor can defendant do so, given the facts as
6 described below. The Court should therefore preclude defendant from
7 raising that affirmative defense at trial.

8 **II. STATEMENT OF FACTS**

9 On August 8, 2025, protestors gathered at the Roybal Federal
10 Building and Courthouse, including on the "apron area" of the loading
11 dock on Alameda Street. FPS officers instructed protestors,
12 including defendant, not to enter federal property. Despite this
13 warning, defendant and others continued to trespass onto federal
14 property.

15 At approximately 8:00 p.m., defendant, wearing a black t-shirt,
16 black jeans, and a black ski mask, stepped onto the apron of the
17 Roybal Building with a black digital single-lens reflect camera
18 (known more commonly as a DSLR camera) in hand. Despite warnings to
19 step off federal property, defendant went from FPS officer to FPS
20 officer pointing his camera within inches of their faces. Officer
21 L.R. instructed defendant to step off federal property, pointing in
22 the direction defendant should walk. Defendant then jerked his
23 camera into Officer L.R.'s face, striking him on the bridge of the
24 nose and leaving a welt. At no point prior to defendant striking
25 Officer L.R. in the nose had FPS officers made physical contact with
26 defendant. In response to the strike and to address defendant's
27 continued trespass on federal property, Officer L.R. pushed
28 defendant's hand out of his own face and instructed defendant to step

1 off the apron of the Roybal Building. Defendant yelled, "fuck you"
2 and pushed Officer L.R. in the chest.

3 **III. ARGUMENT**

4 Defendant must put forth "evidence upon which the jury could
5 rationally sustain the defense." United States v. Houston, 648 F.3d
6 806, 816 (9th Cir. 2011) (upholding preclusion of affirmative defense
7 of duress based on insufficient proffer). "If a defendant cannot
8 proffer legally sufficient evidence of each element of an affirmative
9 defense, then he is not entitled to present evidence in support of
10 that defense at trial." United States v. Cramer, 532 F. App'x 789,
11 791 (9th Cir. 2013) (upholding order excluding self-defense theory at
12 trial when defense proffer was insufficient to meet elements as
13 matter of law); see also United States v. Biggs, 441 F.3d 1069, 1071
14 (9th Cir. 2006) (discussing requirement defendant proffer elements of
15 self-defense before trial).

16 An individual may make out an affirmative defense of self-
17 defense against a federal law enforcement official who uses excessive
18 force in a "narrow range of circumstances." Acosta-Sierra, 690 F.3d
19 at 1126. Only in those "narrow circumstances" a defendant need not
20 establish he was ignorant the victim was a federal officer or
21 employee.¹ See United States v. Ornelas, 906 F.3d 1138, 1148 (9th
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23 ¹ Model Instruction 8.3 lays out the two potential self-defense
24 theories to assault on a federal officer. The first is when a
25 defendant does not know the victim is a federal officer. Ninth
26 Circuit Model Criminal Jury Instructions, No. 8.3 (2022 ed.). The
27 government does not understand defendant to be pursuing this theory
28 of self-defense. Nor could he. Officer L.R. was in uniform --
wearing a dark blue long-sleeved shirt and matching hat, both clearly
marked with golden/yellow law enforcement and "FPS" markings.
Officer L.R. was with many other FPS officers and agents on scene,
all in roughly the same fully marked, distinctive uniform. This is
not a case of mistaken identity, and defendant cannot reasonably

(footnote cont'd on next page)

1 Cir. 2018). Defendant must still offer evidence to show "(1) a
2 reasonable belief that the use of force was necessary to defend
3 himself against the immediate use of unlawful force and (2) the use
4 of no more force than was reasonably necessary in the circumstances."
5 Acosta-Sierra, 690 F.3d at 1126 (cleaned up); United States v. Urena,
6 659 F.3d 903, 907 (9th Cir. 2011). Here, defendant cannot proffer
7 prima facie evidence of either of the two prongs of the analysis.

8 First, defendant cannot establish that he reasonably believed he
9 needed to use force to "defend" himself against the use of unlawful
10 force. There is nothing in the record to suggest Officer L.R. used
11 any force against defendant prior to the camera strike -- let alone
12 unlawful force. See United States v. Span, 75 F.3d 1385-86, 90-91
13 (9th Cir. 1996) (finding ineffective assistance of counsel where
14 defense attorney failed to raise excessive force defense after
15 witnesses observed marshals engage in disproportionate force against
16 defendant). Video footage confirms that defendant was not afraid of
17 Officer L.R. (or any other FPS officers) as he went from officer to
18 officer, pointing his camera within inches of their face. Defendant
19 was the first to make any kind of physical contact when -- without
20 any provocation -- he struck Officer L.R. in the nose with his
21 camera. It was only then that Officer L.R. moved defendant's hand
22 out of the way, the only physical contact Officer L.R. ever initiated
23 against defendant prior to arresting him. In response to another
24 instruction to step off federal property, defendant struck Officer
25 L.R. in the chest, shouting "fuck you." Officer L.R. did not attack
26 defendant nor threaten his "immediate" well-being. Defendant cannot

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argue he was unaware of Officer L.R.'s status as a federal law
enforcement officer.

1 reasonably argue that he thought he needed to defend himself against
2 Officer L.R.; if defendant had not instigated the encounter by
3 getting in officers' faces with his camera and then affirmatively
4 striking one in the nose, he would not have been arrested. Indeed,
5 courts have long held that a person who starts a violent encounter is
6 categorically barred from invoking self-defense. See United States
7 v. Urena, 659 F.3d 903, 907 (9th Cir. 2011); see also United States
8 v. McNeal, 765 F. App'x 193, 194 (9th Cir. 2019); United States v.
9 Acosta-Sierra, 690 F.3d 1111, 1126 (an objective standard, rather
10 than a subjective one, applies to the requirement that there be a
11 reasonable belief that self-defense was necessary). Defendant cannot
12 make a prima facie showing on the first element.

13 Second, defendant cannot establish that he used no more force
14 than what appeared reasonably necessary under the circumstances to
15 protect against unlawful force. Again, defendant was the first to
16 make any kind of physical contact with officers when he struck
17 Officer L.R. in the nose with his camera. He might simply have
18 stepped off federal property and continued his photography from the
19 public space alongside the Roybal Federal Building's apron. Instead,
20 he chose to strike an officer in the face, and when that officer
21 moved defendant's hand out of the way, defendant chose to strike him
22 in the chest. His actions were neither reasonable nor necessary
23 under the circumstances. Defendant therefore cannot make a prima
24 facie showing on the second element of the self-defense against
25 excessive force theory.

1 **IV. CONCLUSION**

2 In sum, the Ninth Circuit permits two forms of self-defense in a
3 § 111 case: (1) ignorance of the official status of the person
4 assaulted, United States v. Feola, 420 U.S. 671, 686 (1975), and
5 (2) an excessive force defense, Span, 75 F.3d at 1389). Defendant
6 cannot make out a prima facie case for either defense. The
7 government respectfully requests that this Court preclude defendant
8 from presenting self-defense theory at trial.

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