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10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 LUIS DALHET HIPOLITO,
17 Defendant.

No. CR 25-00596-SVW

GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION IN LIMINE TO
EXCLUDE EVIDENCE OF PRIOR ALLEGED
BAD ACTS AND PHONE DATA

Hearing Date: February 9, 2026
Hearing Time: 11:00 a.m.
Location: Courtroom of the
Hon. Stephen Wilson

21 Plaintiff United States of America, by and through its counsel
22 of record, the First Assistant United States Attorney for the Central
23 District of California and Assistant United States Attorney Solomon
24 Kim, hereby files this Response to defendant's motion in limine to
25 exclude evidence of prior alleged bad acts and phone data.

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1 This Response is based upon the attached memorandum of points
2 and authorities, the files and records in this case, and such further
3 evidence and argument as the Court may permit.

4 Dated: February 6, 2026

Respectfully submitted,

5 TODD BLANCHE
6 Deputy Attorney General
7 BILAL A. ESSAYLI
8 First Assistant United States
9 Attorney

ALEXANDER B. SCHWAB
Assistant United States Attorney
Acting Chief, Criminal Division

10 /s/

11 _____
12 SOLOMON KIM
13 Assistant United States Attorney

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

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2 Defendant's motion seeks to exclude evidence at trial of: (1)
3 defendant's marijuana use while on bond; and (2) any evidence derived
4 from defendant's digital devices, namely his two cell phones. The
5 government does not intend to introduce evidence of defendant's
6 alleged prior drug use as substantive evidence in its case-in-chief
7 and does not oppose exclusion of such evidence for that purpose. The
8 government, however, reserves the right to impeach defendant's
9 credibility with prior bad acts, consistent with Federal Rule of
10 Evidence 608, should he testify at trial, including an arrest in
11 January 2023 at a border patrol checkpoint in Jamul, California for
12 alien smuggling during which defendant initially lied to law
13 enforcement regarding his smuggling of aliens across the border.

14 The government opposes defendant's request to categorically
15 exclude all evidence obtained from defendant's digital devices. To
16 the extent such evidence includes audio or video recordings of the
17 charged incident, or other digital evidence, such as text messages,
18 directly related to defendant's conduct, motive, intent, or state of
19 mind with respect the offense, including evidence reflecting animus
20 or hostility toward law enforcement, it is relevant and admissible.
21 Such evidence is probative of the charged conduct and does not
22 constitute impermissible propensity evidence. See Fed. R. Evid
23 404(b)(2); United States v. Abel, 469 U.S. 45, 52 (1984) ("Proof of
24 bias is almost always relevant because the jury, as finder of fact
25 and weigher of credibility, has historically been entitled to assess
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1 all evidence which might bear on the accuracy and truth of a witness'
2 testimony.").¹

3 Accordingly, defendant's motion should be denied insofar as it
4 seeks to limit the government's ability to impeach defendant's
5 credibility with specific instances under Rule 608 or to broadly
6 exclude all digital evidence related to the incident or defendant's
7 motive or intent.

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24 ¹ Defendant asserts that the search warrant affidavit contained
25 generalized allegations regarding defendant's personal participation
26 in ideologically motivated groups. (Dkt. 44 at 3.) Not so. The
27 affidavit referenced only the affiant's general experience with
28 groups that organize to obstruct federal law enforcement and did so
merely to establish probable cause to search and seize evidence from
defendant's phones relating to a violation of 18 U.S.C. § 372
(Conspiracy to Impede a Federal Officer). The government is not aware
of any evidence tying defendant to an ideologically motivated group
and does not intend to present such evidence at trial.