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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 MOTION IN LIMINE TO
 PRECLUDE IRRELEVANT AND
 18 PREJUDICIAL POST-ASSAULT EVIDENCE

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

19 Plaintiff United States of America, by and through its counsel
 20 of record, the First Assistant United States Attorney for the Central
 21 District of California and Assistant United States Attorney Solomon
 22 Kim, hereby files this motion in limine to preclude defendant from
 23 presenting irrelevant and unduly prejudicial post-assault evidence at
 24 trial.

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

4 Dated: February 2, 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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28 ¹ The government met and conferred with defense counsel via
email, and defense counsel indicated that it was uncertain whether it
would stipulate to or oppose this motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In June 2025, defendant Luis Hipolito punched a federal officer while he was engaged in an immigration operation in Downtown Los Angeles. The government charged defendant with assault on a federal officer, Officer C.C., in violation of 18 U.S.C. § 111(a)(1).

The government anticipates that defendant may seek to introduce evidence or argument relating to the takedown and arrest that occurred after the assault, such as the officers' use of force to restrain defendant or defendant's physical appearance afterward. Any attempt by defendant to introduce evidence or argument relating to this post-assault arrest--including footage, stills, testimony, or commentary concerning the arrest, restraint techniques, or his physical appearance or alleged injuries afterward--should be excluded under Federal Rules of Evidence 401 and 403.

First, the post-arrest evidence bears no relevance to the elements of the charged offense. The arrest occurred after the charged assault had ended. Any conduct that occurred after the arrest cannot be probative on any relevant matter at trial.

Second, even if the Court were to find this evidence had any relevance--which it does not--it should be excluded under Rule 403. Immigration enforcement is presently a highly politicized affair. Indeed, defendant's assault of C.C. occurred during an immigration enforcement operation. Admission of evidence regarding the nature or physicality related to defendant's arrest risks producing a decision based not on the law and the evidence presented at trial, but rather on unfair prejudice that would simply lead a jury to confuse the relevant issues, waste time, and risk being misled. It would also

1 waste time. These are precisely the types of dangers that Rule 403
2 should prevent. This Court should therefore exclude this evidence.

3 **II. STATEMENT OF FACTS**

4 On June 24, 2025, during an immigration enforcement operation in
5 Downtown Los Angeles, officers from U.S. Immigration and Customs
6 Enforcement ("ICE"), accompanied by agents from the Federal Bureau of
7 Investigation ("FBI"), pulled their car to the side of the road to
8 speak with an individual. When officers approached, the individuals
9 fled. As one ICE officer, C.G., tried to pursue one of the fleeing
10 subjects, a bystander, Andrea Velez, stepped into his path, made
11 physical contact with him, and prevented him from continuing the
12 pursuit. As a result, officers C.G. and C.C. tried to arrest Velez.¹

13 While officers were attempting to arrest Velez, defendant
14 stopped his vehicle in the middle of the road, blocking a law
15 enforcement vehicle from leaving. Defendant and his sister exited
16 the car and began filming the officers. Defendant attempted to pull
17 Velez away from the officers, and officers pushed defendant back and
18 repeatedly directed him to step away. Defendant refused to comply
19 and continued filming along with his sister.

20 Defendant then approached one of the officers and began
21 aggressively yelling, demanding that the officer identify himself.
22 Defendant shouted: "shut the fuck up" and "you're not going to
23 fucking tell me nothing." Defendant admitted to "blocking" the
24 officers and stated that he was calling 911. After officers placed
25 Velez in their vehicle and attempted to leave, defendant, along with
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28 ¹ Velez was later charged by criminal complaint, but those
charges were dismissed on the government's motion. See 25-MJ-03896.

1 several others, stood in front of the lead law enforcement vehicle,
2 blocking its path.²

3 Officer C.C. got out of his car to clear the path. He
4 repeatedly instructed defendant to move, but defendant refused.
5 Defendant continued yelling profanities and walked back closer to
6 C.C. C.C. warned defendant multiple times that he would deploy
7 pepper spray if defendant did not step back. When defendant still
8 refused to comply, C.C. deployed pepper spray.

9 Immediately after being sprayed, defendant closed the distance
10 between himself and officer C.C. and struck C.C. in the face with a
11 closed fist, breaking his glasses and causing a facial contusion.

12 Upon witnessing the assault, several officers moved to arrest
13 defendant. As officers attempted to take defendant into custody,
14 defendant resisted and had to be forced to the ground. Officers
15 struggled to secure defendant's arms to apply handcuffs while
16 defendant continued to resist their efforts.

17 At the same time, multiple bystanders--both on foot and in
18 vehicles--converged around the officers. Individuals gathered within
19 close proximity, shouting, filming, and yelling expletives at the
20 officers. The scene became increasingly chaotic, with officers
21 attempting to maintain control of defendant while also managing the
22 growing crowd and ensuring officer safety. After several minutes,
23 officers were able to secure defendant in handcuffs and leave the
24 area.

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28 ² After being placed in the car, Velez at one point managed to
escape and run away. However, LAPD, who had arrived at the scene by
that point, caught her and returned her to ICE officers.

1 **III. ARGUMENT**

2 **A. Evidence of the Takedown and Arrest Is Irrelevant**

3 Any attempt by defendant to introduce evidence of his arrest
4 should be precluded under Rules 401 and 403. The assault charged
5 under § 111(a)(1) was complete when defendant struck officer C.C.
6 with a closed fist. Evidence of the officers' subsequent efforts to
7 restrain and arrest defendant has no tendency to make any element of
8 the offense (i.e., (1) forcible assault, (2) upon a federal officer,
9 (3) engaged in the performance of official duties) more or less
10 probable. See Fed. R. Evid. 401; Model Crim. Jury Instr. 9th Cir.
11 8.1 (2022).

12 Because the takedown occurred after the assault was over, it is
13 not relevant to defendant's intent, state of mind, or any claim of
14 self-defense. The self-defense instructions applicable in this case
15 explicitly refers to the officer's "use of unlawful force"
16 immediately preceding, not following, defendant's use of force in
17 defending himself. See Model Crim. Jury Instr. 9th Cir. 5.10 and
18 8.3. (2022). Here, the alleged force used by officers to arrest
19 defendant occurred after defendant initiated and completed the
20 assault on officer C.C. and thus cannot form the basis of any self-
21 defense theory.

22 **B. Even if Minimally Relevant, the Evidence Should Be Excluded**

23 Even assuming some minimal relevance, the probative value of
24 post-assault footage or testimony is substantially outweighed by the
25 danger of unfair prejudice, jury confusion, and undue delay. See
26 Fed. R. Evid. 403. Such evidence would invite the jury to shift its
27 focus from defendant's conduct to the officers' actions following
28

1 such conduct, transforming the trial into a referendum on the
2 propriety of the arrest rather than the charged assault.

3 As the Ninth Circuit has explained, evidence is unfairly
4 prejudicial when it "appeals to the jury's sympathies, arouses its
5 sense of horror, provokes its instincts to punish, or triggers other
6 mainsprings of human action." United States v. Blackstone, 56 F.3d
7 1143, 1146 (9th Cir. 1995). Introducing evidence of officers' use of
8 force during the arrest would do precisely that: provoking emotional
9 reactions while providing no insight into whether defendant committed
10 the charged assault.

11 Moreover, introduction of such evidence risks confusing the
12 issues and creating a collateral "mini-trial" as to whether the
13 arrest was proper. As the jurors will likely be instructed, they are
14 "to weigh and to evaluate all the evidence received in the case" and
15 not "be influenced by personal likes or dislikes, sympathy,
16 prejudice, fear, public opinion, or biases." Model Crim. Jury Instr.
17 9th Cir. 1.1 (2022). The introduction of the evidence at issue risks
18 unfair prejudice against the government and invites the jury to make
19 its own independent determination about the reasonableness of the
20 arrest--which occurred after the charged conduct--that will
21 likely be based on their perception of law enforcement rather than
22 legal precedent.

23 Given the limited probative value of evidence of the arrest, the
24 only purpose of introducing such evidence would be to confuse the
25 jury about the elements of the offense, inflame the passions of the
26 jury, or otherwise invite jury nullification by suggesting that the
27 officers acted overzealously or inappropriately. Defendant is not
28 entitled to introduce this otherwise irrelevant evidence in the hopes

1 of encouraging jury nullification. This Court should prevent such a
2 sideshow by excluding evidence of the takedown arrest, which occurred
3 only after defendant's criminal conduct was complete.

4 **IV. CONCLUSION**

5 For the foregoing reasons, the government respectfully requests
6 that this Court grant its motion in limine and exclude any evidence,
7 testimony, or argument relating to defendant's arrest, including but
8 not limited to footage or references depicting defendant's takedown
9 arrest or any purported injuries he sustained thereafter.

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