

1 **I. Background**

2 **A. Factual Background**

3 The Government alleges that on August 8, 2025, protestors gathered at the Roybal Federal
4 Building and Courthouse in downtown Los Angeles. Dkt. No. 1 (“Compl.”) ¶ 5(a). Various
5 entrances to Roybal indicated that it is a federal building, such as the side of the building facing
6 Temple Street which states “Edward R. Roybal Federal Building.” Compl. ¶ 5(b). The protestors,
7 however, remained present near the building’s loading dock along Alameda Street. Dkt. No. 30
8 (“Pl.’s Mot. in Limine No. 1”) at 2. Federal Protective Service (“FPS”) officers were present and
9 allegedly instructed protestors, including Lopez, not to enter or remain on federal property. *Id.*

10 The Government alleges that at approximately 8:08 p.m., Lopez stepped onto the Roybal
11 loading dock area holding a black camera. Compl. ¶ 5(c). Although Lopez was told to move back, he
12 allegedly did not do so; instead, he pushed his camera into the face of one FPS inspector. *Id.*
13 Numerous FPS inspectors allegedly pushed Lopez into the crowd, aiming to detain him. *Id.* While
14 attempting to move Lopez, Lopez and two inspectors allegedly fell to the ground. *Id.* As officers
15 attempted to get Lopez to his feet, he allegedly began walking towards the inspector who he had
16 previously hit on the nose with his camera, briefly placing his face against the inspector’s nose. *Id.*
17 5(d). As a response, the inspector allegedly used his right hand to redirect Lopez’s face away for
18 safety. *Id.*

19 Lopez then allegedly yelled, “fuck you,” and pushed Officer L.R. in the chest. Pl.’s Mot. In
20 Limine No. 1 at 3. The alleged assaultive conduct occurred within seconds. Dkt. No. 32 (“Pl.’s Mot.
21 in Limine No. 3”) at 2.

22 The Government alleges that only after Lopez’s assault did FPS officers attempt to restrain
23 and arrest him, and that Lopez resisted. *Id.* The subsequent takedown—during which multiple
24 officers brought Lopez to the ground—occurred after the charged assaultive conduct had ended. *Id.*

25 **B. Procedural History**

26 The Government initiated this action on August 8, 2025. The Complaint brings forth one
27 cause of action for: (1) violation of 18 U.S.C. § 111(a)(1) - Assault on a Federal Officer. *See*
28 *generally* Compl. On August 13, 2025, Lopez’s bond and conditions of release were filed. Dkt No.

1 12. On September 9, 2025, Lopez was arraigned, where he pleaded not guilty. On October 2, 2025, a
2 the Court held a status conference.

3 The Government filed motions in limine on October 27, 2025. Dkt. Nos. 30–32, 34–35.
4 Lopez filed his own motions in limine the same day. Dkt. Nos. 36–37. On October 30, 2025, Lopez
5 filed oppositions to the Government’s motions in limine. Dkt. Nos. 42–44. 54–55. That same day,
6 the Government filed oppositions to Lopez’s motions in limine. Dkt. Nos. 48–49. A hearing on the
7 motions in limine was conducted before this Court on November 5, 2025.

8 **II. Applicable Law**

9 **A. Motions in Limine**

10 A motion in limine is “a procedural mechanism to limit in advance testimony or evidence in
11 a particular area.” *United States v. Heller*, 551 F.3d 1108, 1111 (9th Cir. 2009). A party files a
12 motion in limine to exclude anticipated prejudicial evidence before the evidence is introduced at
13 trial. *See Luce v. United States*, 469 U.S. 38, 40 n.2 (1984). A court has the power to grant such
14 motions pursuant to its “inherent authority to manage trials,” even though such rulings are not
15 explicitly authorized by the Federal Rules of Evidence. *Id.* at 41 n.4 (citation omitted). Regardless of
16 a court’s initial decision on a motion in limine, it may revisit the issue at trial. *Id.* at 41–42 (“[E]ven
17 if nothing unexpected happens at trial, the district judge is free, in the exercise of sound judicial
18 discretion, to alter a previous in limine ruling.”).

19 **B. Federal Rules of Evidence 401 and 402**

20 Federal Rule of Evidence 402 explicitly prohibits the inclusion of “irrelevant” evidence. Fed.
21 R. Evid. 402. The Rule dictates that “[r]elevant evidence is admissible unless any of the following
22 provides other: the United States Constitution; a federal statute; these rules; or other rules prescribed
23 by the Supreme Court. Irrelevant evidence is not admissible.” Fed. R. Evid. 402.

24 Federal Rule of Evidence 401 prescribes what evidence qualifies as relevant. Fed. R. Evid.
25 401. It provides that evidence is relevant if: “(a) it has any tendency to make a fact more or less
26 probable than it would be without the evidence; and (b) the fact is of consequence in determining the
27 action.” *Id.* 401(a)–(b); *see also Crawford v. City of Bakersfield*, 944 F.3d 1070, 1077 (9th Cir.
28 2019) (“Deciding whether a fact is of consequence in determining the action generally requires

1 considering the substantive issues the case presents.” (internal quotation marks omitted)). Courts
2 have recognized that Rule 401’s “basic standard of relevance . . . is a liberal one.” *Crawford*, 944
3 F.3d at 1077.

4 **C. Federal Rule of Evidence 403**

5 Federal Rule of Evidence 403 dictates that “[t]he court may exclude relevant evidence if its
6 probative value is substantially outweighed by a danger of one or more of the following: unfair
7 prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly
8 presenting cumulative evidence.” Fed. R. Evid. 403. District courts have broad discretion in
9 assessing admissibility under Rule 403. *Sprint/United Mgmt. Co. v. Mendelsohn*, 552 US 379, 384
10 (2008) (finding “wide discretion” necessary because Rule 403 “requires an on-the-spot balancing of
11 probative value and prejudice, potentially to exclude . . . evidence that already has been found to be
12 factually relevant”) (internal quotes omitted); *see also Hardeman v. Monsanto Co.*, 997 F.3d 941,
13 967 (9th Cir. 2021), *cert. denied*, 142 S. Ct. 2834 (2022) (“A district court’s Rule 403 determination
14 is subject to great deference, because the considerations arising under Rule 403 are susceptible only
15 to case-by-case determinations, requiring examination of the surrounding facts, circumstances, and
16 issues.”).

17 **D. Federal Rule of Evidence 701**

18 Under Federal Rule of Evidence 701, a lay witness may testify “in the form of an opinion” if
19 it is “(a) rationally based on the perception of the witness; (b) helpful to a clear understanding of the
20 witness’ testimony or the determination of a fact in issue; and (c) not based on scientific, technical,
21 or other specialized knowledge.” Fed. R. Evid. 701. “Rule 701(a) contains a personal knowledge
22 requirement.” *United States v. Lopez*, 762 F.3d 852, 864 (9th Cir. 2014); *see also* Fed. R. Evid. 602
23 (“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that
24 the witness has personal knowledge of the matter”). “In presenting lay opinions, the personal
25 knowledge requirement may be met if the witness can demonstrate firsthand knowledge or
26 observation.” *Lopez*, 762 F.3d at 864.

27 The opinion testimony of lay witnesses must be “predicated upon concrete facts within their
28 own observation and recollection—that is facts perceived from their own senses, as distinguished

1 from their opinions or conclusions drawn from such facts.” *United States v. Durham*, 464 F.3d 976,
2 982 (9th Cir. 2006) (quoting *United States v. Skeet*, 665 F.2d 983, 985 (9th Cir. 1982)). Accordingly,
3 “[a] lay witness’s opinion testimony necessarily draws on the witness’s own understanding,
4 including a wealth of personal information, experience, and education, that cannot be placed before
5 the jury.” *United States v. Gadson*, 763 F.3d 1189, 1208 (9th Cir. 2014). But a lay opinion witness
6 “may not testify based on speculation, rely on hearsay or interpret unambiguous, clear statements.”
7 *United States v. Vera*, 770 F.3d 1232, 1242 (9th Cir. 2014).

8 **III. Discussion**

9 The Government moves to exclude at trial: (1) a defense of self-defense, Dkt. No. 30, (2) any
10 reference to, testimony regarding, or argument that Lopez’s conduct was protected by the First
11 Amendment, Dkt. No. 31, (3) irrelevant and prejudicial evidence concerning Lopez’s arrest,
12 including the officers’ takedown of Lopez after the alleged assault, Dkt. No. 32, (4) evidence,
13 testimony, or argument that challenges or critiques current United States immigration policy, Dkt.
14 No. 34, and (5) Lopez’s other protest footage unrelated to the charged assault, Dkt. No. 35.

15 Lopez moves to include at trial: (1) government witnesses’ personnel files and criminal
16 history, Dkt. No. 36, and (2) inflammatory language and the actions of non-parties, Dkt. No. 37.

17 The Court’s rulings are set forth below. The parties are ORDERED to advise their witnesses
18 of these rulings. Should a witness be required to refer to excluded material in order to answer a
19 question truthfully, the witness should indicate that a sidebar is needed and should not refer to the
20 excluded material in the presence of the jury.

21 **GOVERNMENT’S MOTIONS IN LIMINE**

22 **A. The Government’s Motion in Limine No. 1 (Dkt. No. 30) is DENIED.**

23 The Government moves to exclude the following from trial: any argument, evidence, or
24 testimony asserting that Lopez acted in self-defense during the August 8, 2025, incident at the
25 Roybal Federal Building. Specifically, the Government seeks to preclude Lopez from presenting
26 either of the two recognized self-defense theories in a Section 111 prosecution—(1) lack of
27 knowledge that the victim was a federal officer and (2) self-defense based on alleged excessive
28 force—on the grounds that Lopez cannot make a prima facie showing under either framework. The

1 motion argues that no evidence supports a reasonable belief that unlawful force was used against
2 Lopez or that Lopez used only reasonable force in response, and therefore, the self-defense theory
3 should be barred in its entirety from presentation at trial.

4 Upon consideration of the parties' moving briefs and the arguments made at the hearing
5 (including Lopez's explanation of its defense theory regarding two separate potential assaults), the
6 Court DENIES the Motion. Given the applicable burden, Lopez has satisfied the Court that he
7 intends to proffer legally sufficient evidence of each element of the affirmative defense. Should
8 Lopez fail to present this evidence at trial, the Government can renew this Motion at the final Jury
9 Instruction Conference.

10 **B. The Government's Motion in Limine No. 2 (Dkt. No. 31) is DENIED IN PART.**

11 The Government moves to exclude the following from trial: any reference, testimony, or
12 argument that Lopez's conduct on August 8, 2025, was protected by the First Amendment, including
13 claims that his actions constituted expressive, journalistic, or protest activity. The Government
14 argues that Lopez is charged with assaulting a federal officer, not with expressive conduct, and that
15 the First Amendment does not protect violent or obstructive acts. The motion seeks to bar all
16 discussion or evidence suggesting First Amendment protections, asserting such arguments are
17 irrelevant, misleading, and prejudicial under Federal Rules of Evidence 401, 402, and 403 and risk
18 confusing the jury or inviting nullification.

19 Upon consideration of the parties' moving briefs, the Court DENIES the Motion IN PART.
20 Any references to *L.A. Press Club v. Noem*, No. 2:25-cv-05563-HDV-E, 2025 WL 2658327 (Sep.
21 10, 2025), or any orders or findings therein are irrelevant and therefore prohibited. Any limited
22 probative value is far outweighed by prejudice in that it invites the jury to speculate as to Inspector
23 Ranjo's intent or conduct on that day based upon a finding made by a Court based upon different
24 officers on another occasion. The parties are **ORDERED** to meet and confer by Thursday,
25 November 6, 2025, at 5pm regarding whether the Government intends to deny that Inspector Ranjo
26 received the training that Lopez asserts was ordered in *L.A. Press Club*. Should there be no dispute
27 that Inspector Ranjo received the training, the fact that it was court-ordered is irrelevant. If there is a
28 dispute, Lopez can seek reconsideration of this Court's ruling.

1 Lopez’s theory of defense is that, to the extent that he used force against Inspector Ranjo, it
2 was in self-defense because Inspector Ranjo was using unlawful force against him for exercising his
3 First Amendment rights. The parties are **ORDERED** to meet and confer further, by Thursday,
4 November 6, 2025, at 5pm, regarding the jury instructions and the elements that need to be proven
5 with respect to any claim that Inspector Ranjo’s use of force was unlawful. As the Court indicated,
6 to the extent that the jury is to be instructed that they must determine whether Inspector Ranjo’s use
7 of force was lawful, they must be given appropriate instructions on how to make that determination.
8 The Court suggests that the parties consider the following when crafting appropriate instructions: the
9 structure of CALCRIM Nos. 900 and 2670; Ninth Circuit Model Jury Instruction 8.1 (setting forth
10 the elements of 18 U.S.C. § 111) and the Comment thereto (discussing possible options for an
11 instruction on the “official duties” of an officer); and Ninth Circuit Model Jury Instruction 8.3
12 (setting forth the defense of self-defense with respect to 18 U.S.C. § 111) and the Comment thereto
13 (which discusses the need to modify the instruction in a case where the defense is asserting excessive
14 force). The parties may seek reconsideration of this Court’s ruling after having done so.

15 **C. The Government’s Motion in Limine No. 3 (Dkt. No. 32) is DENIED.**

16 The Government moves to exclude the following from trial: any evidence, testimony, or
17 argument relating to Lopez’s arrest following the charged assault, including references to the
18 officers’ use of force during the takedown or Lopez’s physical condition afterward. The Government
19 argues that events occurring after the assault are irrelevant to whether Lopez committed the charged
20 offense under Section 111(a)(1) and would serve only to confuse the jury, inflame the jury’s
21 passions, or invite jury nullification. The motion seeks to preclude post-assault evidence as
22 inadmissible under Federal Rules of Evidence 401 and 403 for being irrelevant, prejudicial, and
23 misleading to the jury.

24 Upon consideration of the parties’ moving briefs, the Court DENIES the Motion. Given
25 Lopez’s theory of defense, showing the amount of force used just after Lopez’s alleged assault is
26 relevant. Given the length of the video and the nature of the conduct depicted, the Court does not
27 find that it is unduly inflammatory or will distract the jury from the issues at hand.

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1 **D. The Government’s Motion in Limine No. 4 (Dkt. No. 34) is GRANTED.**

2 The Government moves to exclude the following from trial: any evidence, testimony, or
3 argument by Lopez that critiques United States immigration laws or policies, including any attempt
4 to reference or discuss immigration policy as contextual justification for Lopez’s conduct. The
5 Government argues that such matters are irrelevant to the sole charge of assault on a federal officer
6 under Section 111(a)(1) and would serve only to provoke jury nullification or emotional responses.
7 The motion seeks to preclude any evidence or argument suggesting that Lopez’s actions were
8 justified by disagreement with immigration policy or that his arrest was unlawful on policy grounds,
9 asserting that such references are inadmissible under Federal Rules of Evidence 401, 402, and 403
10 and risk confusing or misleading the jury.

11 Upon consideration of the parties’ moving briefs, the Court GRANTS the Motion. The Court
12 finds that any discussion of the various criticisms of immigration policy is irrelevant and any
13 marginal relevance is far outweighed by the prejudice of distracting the jury from the issues at hand.
14 Both parties no doubt will elicit evidence that the incident at issue occurred at a protest that was
15 related to the issue of immigration, but nothing further is required or shall be permitted.

16 **E. The Government’s Motion in Limine No. 5 (Dkt. No. 35) is DENIED.**

17 The Government moves to exclude the following from trial: photographs recovered from
18 Lopez’s camera depicting protests unrelated to the charged assault, including prior demonstrations
19 involving labor unions, Immigration and Customs Enforcement (“ICE”), and pro-Palestinian causes.
20 The Government argues that these photographs are irrelevant to whether Lopez assaulted a federal
21 officer on August 8, 2025, and that any attempt to introduce them—such as to portray Lopez as a
22 journalist, social activist, or peaceful protester—would confuse the issues, mislead the jury, and
23 improperly invite jury nullification. The motion seeks to exclude the images and any related
24 references under Federal Rules of Evidence 401, 402, and 403 for lack of relevance and undue
25 prejudice

26 Upon consideration of the parties’ moving briefs, the Court DENIES the Motion. Lopez will
27 be permitted to introduce a limited number of photographs from the day in question with appropriate
28 foundation in support of his articulated theory of defense. Photographs from other days and other

1 events are not relevant to defense’s purported relevance—the reason for Lopez’s presence at this
2 protest on this day.

3 **LOPEZ’S MOTIONS IN LIMINE**

4 **F. Lopez’s Motion in Limine No. 1 (Dkt. No. 36) is DENIED.**

5 Lopez moves to compel the following from the government: production of personnel files
6 and criminal history records for all law enforcement witnesses, including Federal Protective Service
7 Inspectors Leo Ranjo, Gary Wilson, and William Terpstra; disclosure of all impeachment and *Brady*
8 material bearing on the witnesses’ truthfulness, bias, motive to lie, or use of force; and a full review
9 of each witness’s disciplinary, medical, and criminal background. Lopez further requests that the
10 Court conduct an in-camera review of the personnel files under *Henthorn*, *Brady*, and *Giglio*, and
11 order the U.S. Attorney’s Office—not FPS—to certify under penalty of perjury that it has
12 independently completed a full *Brady* and *Henthorn* review. Lopez cites the government’s recent
13 failure to disclose required evidence under *Brady* and *Henthorn* in *United States v. Ashleigh Brown*,
14 Case No. 2:25-CR-701-FMO, Dkt. No. 30 (C.D. Cal. Oct. 10, 2025) as justification for this relief.

15 Upon consideration of the parties’ moving briefs, the Court DENIES the Motion. There does
16 not appear to be any authority to support this Court ordering the relief requested in the absence of
17 any evidence that the Government has violated its obligations. At the hearing, the Government
18 confirmed that it has followed Department of Justice guidance on conducting its
19 *Brady/Giglio/Henthorn* review, and it particular, its request to the agency for a search of personnel
20 files has made clear that the following are to be disclosed and has continued to follow up with
21 agency counsel, who has not yet identified responsive material:

- 22 - Any evidence concerning allegations of excessive or unlawful force, even if unsustainable
23 or unresolved;
- 24 - Any evidence concerning allegations of attacks on the press, even if unsustainable or
25 unresolved; and
- 26 - Any evidence concerning perjurious conduct or other dishonesty, even if unsustainable or
27 unresolved.

28 The Government is **ORDERED** to ensure that the agency search includes this material.

1 In addition, the Government agreed to produce, and the Court **ORDERS** the Government to
2 produce the following to defense counsel by Thursday, November 6, 2025, at 5pm:

- 3 - The search query or list provided to agency counsel;
- 4 - Any results received from agency counsel; and
- 5 - Criminal history checks on all relevant officers.

6 Counsel for Lopez did not seek anything additional at this time, and reserved the right to
7 raise this issue with the Court after reviewing the additional material to be produced.

8 **G. Lopez’s Motion in Limine No. 2 (Dkt. No. 37) is DENIED IN PART.**

9 Lopez moves to exclude the following from trial: any inflammatory language by government
10 witnesses or counsel, including references to the alleged incident as an “assault” or to Inspector
11 Ranjo as a “victim”; and any prejudicial descriptions of the August 8, 2025, protest, such as “riot,”
12 “civil unrest,” or “insurrection.” Lopez also seeks to exclude evidence or testimony regarding the
13 actions or statements of other protestors, including vandalism, graffiti, property destruction, or
14 profane remarks, that are not attributable to Lopez. The motion argues such language and evidence
15 are irrelevant, unfairly prejudicial, and constitute improper legal conclusions under Federal Rules of
16 Evidence 401, 403, and 701.

17 Upon consideration of the parties’ moving briefs, the Court DENIES the Motion IN PART.
18 The Court will not constrain the Government from using descriptive, non-inflammatory terms to
19 present its case. Therefore, the Court will not prohibit the Government from using “assault,”
20 “victim,” “rioters,” “disorder,” “civil unrest,” or similar terms. The Court will, however, prohibit the
21 Government from using the inflammatory term “insurrection.” The term does not appear to be a fair
22 description of the evidence the Government intends to present given its connotation of the violent
23 overthrow of lawful government; it is therefore highly prejudicial.

24 The Court will also prohibit the Government from describing the conduct of other individuals
25 at other events, as this evidence is irrelevant to the conduct at hand. And conduct of others remote in
26 place and time to the incident with Lopez cannot reasonably be found to be relevant to the question
27 of Inspector Ranjo’s conduct on that day. By Thursday, November 6, 2025, at 5pm, the parties are
28 **ORDERED** to meet and confer, and the Government **ORDERED** to present an offer of proof with

1 respect to what activity on the day in question it contends was relevant and why. The Court can rule
2 accordingly.

3 **IV. Conclusion**

4 For the foregoing reasons, the Court hereby ORDERS as follows:

- 5 1. The Government’s Motion in Limine No. 1, Dkt. No. 30, is DENIED;
- 6 2. The Government’s Motion in Limine No. 2, Dkt. No. 31, is DENIED IN PART;
- 7 3. The Government’s Motion in Limine No. 3, Dkt. No. 32, is DENIED;
- 8 4. The Government’s Motion in Limine No. 4, Dkt. No. 34, is GRANTED;
- 9 5. The Government’s Motion in Limine No. 5, Dkt. No. 35, is DENIED;
- 10 6. Lopez’s Motion in Limine No. 1, Dkt. No. 36, is DENIED;
- 11 7. Lopez’s Motion in Limine No. 2, Dkt. No. 37, is DENIED IN PART; and
- 12 8. By 5pm November 6, 2025, the parties shall meet and confer regarding the matters identified
13 above, and the Government shall produce the material identified above.

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15 IT IS SO ORDERED.

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17 Dated: November 6, 2025



18 MAAME EWUSI-MENSAH FRIMPONG

19 United States District Judge
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