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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 SELF-DEFENSE

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

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 20 Plaintiff United States of America, by and through its counsel
 21 of record, the First Assistant United States Attorney for the Central
 22 District of California and Assistant United States Attorney Solomon
 23 Kim, hereby files this motion in limine to preclude defendant from
 24 raising a self-defense theory at 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 "defendant's testimony and
the video footage will make a prima facie case of self-defense."

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In June 2025, defendant Luis Hipolito interfered with officers during an immigration operation in Downtown Los Angeles by using his body and vehicle to prevent them from leaving the scene of an arrest. Despite repeated commands from U.S. Immigration and Customs Enforcement ("ICE") Officer C.G. to move away, defendant refused to comply, continued yelling obscenities, and moved closer to the officer. Officer C.G. then deployed pepper spray, at which point defendant struck him in the face with a closed fist.

The government anticipates that defendant may raise a self-defense claim to the § 111(a)(1) charge at trial. There are two types of self-defense claims in a § 111 case: one involving the use of ordinary force by an officer and another involving the use of excessive force by an officer. Model Crim. Jury Instr. 9th Cir. 5.10 and 8.3 (2022). For both defenses, defendant must establish that the officer's use of force was unlawful. Because defendant cannot establish a prima facie case of either, this Court should preclude defendant from raising a self-defense claim at trial.

II. STATEMENT OF FACTS

On June 24, 2025, during an immigration enforcement operation in Downtown Los Angeles, officers from ICE, accompanied by agents from the Federal Bureau of Investigation ("FBI"), pulled their car to the side of the road to speak with an individual. When officers approached, several individuals fled. As one ICE officer, C.G., tried to pursue one of the fleeing subjects, a bystander, Andrea Velez, stepped into his path, made physical contact with him, and

1 prevented him from continuing the pursuit. As a result, officers
2 C.G. and C.C. tried to arrest Velez.¹

3 While officers were attempting to arrest Velez, defendant
4 stopped his vehicle in the middle of the road, blocking a law
5 enforcement vehicle from leaving. Defendant and his sister exited
6 the car and began filming the officers. Defendant attempted to pull
7 Velez away from the officers, and officers pushed defendant back and
8 repeatedly directed him to step away. Defendant refused to comply
9 and continued filming along with his sister.

10 Defendant then approached one of the officers and began
11 aggressively yelling, demanding that the officer identify himself.
12 Defendant shouted: "shut the fuck up" and "you're not going to
13 fucking tell me nothing." Defendant admitted to "blocking" the
14 officers and stated that he was calling 911. After officers placed
15 Velez in their vehicle and attempted to leave, defendant, along with
16 several others, stood in front of the lead law enforcement vehicle,
17 blocking its path.²

18 Officer C.C. got out of his car to clear the path. He
19 repeatedly instructed defendant to move, but defendant refused.
20 Defendant continued yelling profanities and walked back closer to
21 C.C. C.C. warned defendant multiple times that he would deploy
22 pepper spray if defendant did not step back. When defendant still
23 refused to comply, C.C. deployed pepper spray.

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26 ¹ Velez was later charged by criminal complaint, but those
27 charges were dismissed on the government's motion. See 25-MJ-03896.

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

4 Upon witnessing the assault, several officers moved to arrest
5 defendant. As officers attempted to take defendant into custody,
6 defendant resisted and had to be forced to the ground. Officers
7 struggled to secure defendant's arms to apply handcuffs while
8 defendant continued to resist their efforts.

9 At the same time, multiple bystanders--both on foot and in
10 vehicles--converged around the officers. Individuals gathered within
11 close proximity, shouting, filming, and yelling expletives at the
12 officers. The scene became increasingly chaotic, with officers
13 attempting to maintain control of defendant while also managing the
14 growing crowd and ensuring officer safety. After several minutes,
15 officers were able to secure defendant in handcuffs and leave the
16 area.

17 **III. ARGUMENT**

18 Defendant must put forth "evidence upon which the jury could
19 rationally sustain the defense." United States v. Houston, 648 F.3d
20 806, 816 (9th Cir. 2011) (upholding preclusion of affirmative defense
21 of duress based on insufficient proffer). "If a defendant cannot
22 proffer legally sufficient evidence of each element of an affirmative
23 defense, then he is not entitled to present evidence in support of
24 that defense at trial." United States v. Cramer, 532 F. App'x 789,
25 791 (9th Cir. 2013) (upholding order excluding self-defense theory at
26 trial when defense proffer was insufficient to meet elements as
27 matter of law); see also United States v. Biggs, 441 F.3d 1069, 1071
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1 (9th Cir. 2006) (discussing requirement defendant proffer elements of
2 self-defense before trial).

3 To establish a self-defense claim (whether in response to the
4 ordinary use of force or excessive force by a federal officer),
5 defendant must establish prima facie evidence that the officer's use
6 of force was unlawful. Here, defendant has not and cannot establish
7 such evidence. Officer C.C. deployed pepper spray on defendant after
8 providing him with multiple warnings and opportunities to step aside.
9 Defendant did not comply and instead continued to block law
10 enforcement from leaving and aggressively approached officers while
11 yelling obscenities. Under these circumstances, C.C.'s use of pepper
12 spray was lawful and appropriate. ICE's use-of-force policy
13 authorizes the use of non-lethal, intermediate force, including
14 pepper spray, when objectively reasonable and necessary to carry out
15 law enforcement duties. In particular, such force may be used in
16 situations where empty-hand techniques are not sufficient to bring a
17 disorderly or non-compliant subject under control. When defendant
18 failed to comply with C.C.'s repeated warnings and commands, C.C.
19 appropriately used pepper spray so that officers could leave the
20 scene. Defendant's bare assertion that his testimony and the video
21 footage will establish a prima facie case is unsupported and legally
22 insufficient to warrant a self-defense claim.

23 In addition, defendant cannot establish that he used no more
24 force than what appeared reasonably necessary under the circumstances
25 to protect against unlawful force. Pepper spray is a standard, non-
26 lethal compliance tool designed to prevent escalation and create
27 distance. A reasonable person in that situation would withdraw,
28 shield himself, or comply—not advance toward an officer and throw a

1 punch. Striking the officer after the spray had been deployed is not
2 defensive conduct; it is retaliatory. A punch capable of causing
3 injury is disproportionate to the temporary effects of pepper spray
4 and was not reasonably necessary to prevent further harm. On these
5 facts, defendant's own version of events shows escalation, not self-
6 defense.³

7 **IV. CONCLUSION**

8 For the foregoing reasons, the government respectfully requests
9 that the Court grant its motion to preclude defendant from raising a
10 self-defense theory at trial.

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25 ³ Defendant likewise fails to make a prima facie showing for a
26 self-defense instruction based on an officer's ordinary use of force,
27 which requires evidence that he did not know the officer was a
28 federal officer. Body-worn camera footage shows that the officers
who interacted with defendant, including C.C., wore tactical vests
clearly labeled "POLICE" and displayed badges marked "ICE." In fact,
officer C.G. wore a face mask with the words, "Federal Agent,"
written across it.