

\$1.7 million verdict for inmate's untreated cancer

Bob Egelko, Chronicle Staff Writer

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(11-11) 14:32 PST LOS ANGELES -- A jury has hit the state with \$1.73 million in damages in a suit by the family of an illegal immigrant who died of penile cancer that went untreated during more than a year in state and federal custody.

The Los Angeles Superior Court jury found state prison doctors partly to blame Wednesday for the death of Francisco Castaneda in February 2007. A separate suit against the federal government is tentatively scheduled for trial in April, the family's lawyers said Thursday.

Castaneda entered the United States with his mother in 1982, at age 10, after fleeing El Salvador during that country's civil war. He was convicted in 2005 of possessing methamphetamine and spent about four months in state prison, then was held in federal detention centers while the government moved to deport him and he applied for political asylum.

According to the lawsuit he filed before his death, a doctor at North Kern Prison in Delano (Kern County) first noticed a growth on his penis in December 2005 and requested an immediate biopsy, but the prison's chief physician rejected it. Castaneda was then transferred to a prison in San Diego, where another doctor recommended a biopsy but failed to follow up, his lawyers said.

Multiple lesions developed and Castaneda's pain increased after he was transferred to federal custody, but doctors and immigration officials provided only pain pills and a clean pair of boxer shorts each day, the family's lawyers said.

A federal physician ordered a biopsy in January 2007, but the immigration agency released Castaneda 11 days later. He then underwent a biopsy and amputation of his penis in a Los Angeles County hospital, the suit said. He died at his Los Angeles-area home shortly afterward at age 36.

State lawyers denied that the physicians were responsible for Castaneda's death and argued that his cancer was untreatable. Lawyers for the family contended his life could have been saved with proper diagnosis and care.

The jury awarded Castaneda's 17-year-old daughter, Vanessa, \$1.5 million for the loss of her father and \$230,000 for past medical expenses, some of which will be reimbursed to Medi-Cal, her lawyers said.

"Finally, after three years of the state denying responsibility, a jury of Vanessa's peers found that the state killed her father and recognized the tremendous loss with a full and fair verdict," said **Conal Doyle**, her lead attorney.

State lawyers were unavailable for comment. They could appeal the verdict.

E-mail Bob Egelko at beigelko@sfgchronicle.com.