

## PUBLIC JUSTICE E-LERT

AMERICA'S PUBLIC INTEREST LAW FIRM

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Every human life has value. Sadly, that value is not recognized in every instance. In the case of one Salvadoran immigrant detainee, his tragic illness and death revealed heartbreaking indifference and gross negligence by our federal government.

But now, in a historic settlement, the United States has agreed to pay \$1.95 million to our clients, the daughter and estate of Francisco Castaneda, who died from penile cancer that federal authorities had refused to diagnose and treat during his nearly 11 months in their custody. After his release, Castaneda had his penis amputated in an attempt to keep the cancer from spreading, but he finally succumbed to the cancer and died in February 2008.



The payment will settle a federal lawsuit alleging that Castaneda died as a result of the government's negligence, both in its medical care and in its creation of a woefully deficient health care policy for immigrant detainees. The case -- filed by Public Justice in 2007 -- had been scheduled for trial beginning on April 26.

The settlement in [Castaneda v. United States](#) will become final once approved by the federal district court in Los Angeles.

The Castaneda family's settlement with the United States comes on the heels of the \$1.73 million jury verdict they won in November 2010 against the State of California. That wrongful death action involved the state's failure to provide Francisco with the immediate medical care it knew he needed for his penile lesion during the four months he spent in state custody, before being transferred to federal immigration detention. The state court verdict is currently on appeal in California. The Castanedas also have a federal lawsuit pending against a physician and nurse practitioner employed by the California Department of Corrections. That suit alleges that the state employees were deliberately indifferent to Francisco's serious medical needs in violation of a federal civil rights statute and were negligent under California law. The federal case against the state employees will not be tried until the appeal against the State of California is resolved.

Congratulations and thanks to our intrepid legal team: co-lead counsel and Public Justice Foundation Board member Conal Doyle of [Willoughby Doyle](#) in Beverly Hills; co-lead counsel and Public Justice Managing Attorney [Adele Kimmel](#); Public Justice Foundation Past President and Board member [Thomas Dempsey](#) of Beverly Hills; and Public Justice Goldberg Attorney [Amy Radon](#).

Francisco hoped that his case would lead to better health care for immigrant detainees. This settlement is a huge step towards making that hope a reality.

And your support of our work helped to make this possible.

Arthur Bryant

Executive Director

Public Justice and the  
Public Justice Foundation