

PUBLIC JUSTICE



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NEWS RELEASE

FOR IMMEDIATE RELEASE

October 31, 2007

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U.S. GOVERNMENT, STATE OF CALIFORNIA, OTHERS SUED IN IMMIGRATION DETAINEE NEGLECT CASE

Francisco Castaneda, the Salvadoran immigrant who earlier this month told a House subcommittee his tragic story of medical neglect at the hands of federal immigration officials, **today filed a federal lawsuit against the U.S. Government, the State of California and several federal officials.**

Mr. Castaneda suffered egregious neglect while in detention from December 2005 to February of this year. Lesions on his penis were ignored for so long that a cancer metastasized and, earlier this year, **Mr. Castaneda's penis was removed in an effort to save his life.**

"I'm filing this lawsuit today for justice – not just for me, but for all of the detainees who are being ignored when their health or even their lives are on the line," Castaneda said.

The suit, filed in U.S. District Court in Los Angeles, charges that authorities' refusal to provide reasonable and humane medical care to Castaneda "was tantamount to torture." It notes that the 35-year-old man vainly pleaded for a biopsy, as recommended by state, federal and private doctors. "He was denied medical treatment that would have prevented his penile cancer from spreading and becoming terminal," the complaint says.

Public Justice, the nationwide public interest law firm based in Washington, D.C., and Conal Doyle of Willoughby Doyle in Oakland, Calif., represent Castaneda in the case. Public Justice Staff Attorney Adele Kimmel said the lawsuit seeks to hold the federal and state governments accountable for abdicating their responsibility to Castaneda.

"We hope that, by exposing the federal government's inhumane treatment of immigration detainees like Mr. Castaneda, we can help to change a system that is severely broken," said Kimmel. "The policies and practices of the Division of Immigration and Health Services have made it nearly impossible for detainees to get adequate medical care. This lawsuit is a reminder that providing that care is a constitutional requirement."

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Castaneda was released from a federal detention center in San Diego in February – just before a scheduled biopsy that federal officials would have been billed for if Castaneda had still been in custody. He took himself to an emergency room and was diagnosed with invasive squamous cell carcinoma of the penis, which was amputated on Feb. 14. Since then, Castaneda has undergone chemotherapy for the cancer, which has spread. His prognosis is poor.

“Government officials imposed a death sentence on Mr. Castaneda, without the benefit of judge or jury, by their failure to provide a simple and inexpensive diagnostic procedure to rule out a life-threatening disease,” Doyle said. “This is a tragic case that could have been prevented by the exercise of basic human decency.”

Castaneda was one of three witnesses who shared their detention horror stories with a House Immigration subcommittee hearing on Oct. 4. The other two were relatives of detainees who died in Immigration and Customs Enforcement (ICE) facilities.

Castaneda, who has a 14-year-old daughter, said that although his situation is dire, he hopes it will bring attention to needed reforms in detainee treatment and care.

“I’m just glad to be in a country where getting justice is possible,” he said.

(The full complaint is available in at http://www.publicjustice.net/briefs/Castaneda_103007.pdf)

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Public Justice (formerly Trial Lawyers for Public Justice), is America’s public interest law firm. Dedicated to using trial lawyers’ and other attorneys’ skills and resources to advance the public good, Public Justice is supported by – and can call on -- a nationwide network of more than 3,000 of the nation’s top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of The Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.