



NEWS RELEASE

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U.S. Supreme Court Allows Immunity for Public Health Service Officials Involved in Detainee's Medical Neglect and Death

The U.S. Supreme Court ruled on May 3 that U.S. Public Health Service (PHS) officials are immune from suit for violating the Constitution and causing Francisco Castaneda's death.

Castaneda was the 35-year-old native of El Salvador whose penis was amputated after state and federal immigration officials in California repeatedly ignored or downplayed his medical needs, refusing to follow their own doctors' recommendations for a biopsy.

Eventually, Castaneda got the biopsy on his own, following his abrupt release in February 2007. The amputation was intended to save his life, but the cancer had metastasized. Castaneda died in February 2008.

The U.S. government, one of the defendants in the lawsuit filed by Public Justice in 2007, has admitted medical negligence in Castaneda's case. Public Justice maintained, however, that the PHS officials responsible for Castaneda's treatment could be held personally accountable for violating his Eighth Amendment rights. Monday's Supreme Court ruling eliminates that prospect.

We are, of course, disappointed, but this case is far from over. The Supreme Court held that the Castaneda family cannot pursue claims under the U.S. Constitution, but the U.S. government has already conceded liability under the Federal Tort Claims Act and we are actively pursuing claims against the state of California and the state officials involved for denying Castaneda treatment while he was in state custody.

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Public Justice is America's public interest law firm, supported by – and calling 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.