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## Justices Agree on Detainee Death Case

By ADAM LIPTAK

WASHINGTON — A man who received what the government concedes was negligent medical treatment while held by immigration authorities may not sue the personnel who failed to treat him, the Supreme Court ruled Monday in a unanimous decision.

The case concerned Francisco Castaneda, a Salvadoran citizen who complained about what turned out to be penile cancer while held in an immigration detention facility in San Diego.

Over the course of about 10 months, Mr. Castaneda repeatedly sought treatment for what he said was an increasingly painful lesion. Though he was advised several times that he needed a biopsy to determine whether he had cancer, employees of the United States Public Health Service, which provides medical personnel to federal prisons and detention facilities, denied the recommended procedure, saying it was elective.

Instead, Mr. Castaneda was treated with ibuprofen and antibiotics. He was also given, Justice Sonia Sotomayor wrote for the court, “an additional ration of boxer shorts.”

After a fourth specialist recommended a biopsy, Mr. Castaneda was released from custody. He promptly went to an emergency room, where a biopsy was performed. It showed that Mr. Castaneda had penile cancer.

His penis was amputated, but the cancer had metastasized to his groin. Mr. Castaneda filed suit in late 2007 and died in February 2008.

The trial judge, in allowing the case to go forward, said it “should be taught to every law student as conduct for which the moniker ‘cruel’ is inadequate.”

The legal question in the case, *Hui v. Castaneda*, No. 08-1529, was whether the Federal Tort Claims Act bars suits against individuals in such circumstances.

Saying the justices “are mindful of the confines of our judicial role,” Justice Sotomayor said the act allows only suits against the government.

Such suits, however, are generally not as attractive to plaintiffs. They are governed by state law, which in Mr. Castaneda’s case appears to cap his estate’s damages at \$250,000. They do not allow punitive damages. And they are not tried before a jury.

Justice Sotomayor wrote that the government has recently “filed a formal notice admitting liability with respect to” Mr. Castaneda’s “claims for medical negligence” under the Federal Tort Claims Act. His estate is therefore likely to receive the limited compensation available under that law.

Steven R. Shapiro, a lawyer with the [American Civil Liberties Union](#), which filed a [brief](#) supporting Mr. Castaneda, said there was a solution to the court’s narrow readings of the applicable federal statutes.

“Today’s decision just highlights the need for Congress to address the systemic failure of our immigration detention system,” Mr. Shapiro said.