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Court rules on liability in man's death

Federal health workers can't be sued individually

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The U.S. Supreme Court ruled Monday that the family of a now-deceased man who was held in a San Diego immigrant detention center cannot pursue damages against individual federal medical officials.

The decision overturns a 2008 9th U.S. Circuit Court of Appeals ruling that allowed relatives of Francisco Castañeda, who died of cancer at 36 in February of that year, to sue two individual officers of the U.S. Public Health Service on a claim that they violated Castañeda's constitutional rights.

The officials were named along with the federal government and other federal employees in a lawsuit filed by Castañeda in Los Angeles before his death, alleging medical negligence and constitutional violations.

The high court ruled unanimously that by law, the defendant in cases such as these should be the federal government, not individual government medical employees. The case will now proceed against the federal government in district court.

"We cannot pursue a remedy against the individual public health officials, but we have a remedy against the government itself," said Adele Kimmel, managing attorney with Public Justice, a public-interest law firm based in Washington, D.C.

Shortly after his death, Castañeda's lawsuit was amended to substitute his sister and his teenage daughter as plaintiffs. In April 2008, the federal government admitted to negligence in his treatment.

Castañeda was detained by U.S. Immigration and Customs Enforcement for close to a year between 2006 and 2007, first at a privately operated detention center in Otay Mesa, then at a facility that the immigration agency runs in the Los Angeles area.

Brought into the United States illegally by his mother from El Salvador when he was 10, Castañeda landed in ICE custody for deportation after serving a short sentence in state prison on drug-related charges.

According to the complaint, Castañeda was denied appropriate treatment for painful genital lesions while in ICE custody, though various doctors within the detention system recommended a biopsy.

Upon his release from detention in February 2007, Castañeda sought medical attention on his own and was confirmed to have penile cancer, requiring the amputation of his penis. He died a year later.

Thom Mrozek, a spokesman for the U.S. Attorney's Office in Los Angeles, confirmed that the case will go back to district court in the coming weeks.

"We're extremely gratified that the Supreme Court accepted the government's argument that the individual health care providers should not be held personally liable," Mrozek said. "The government has admitted liability in this matter."

Any damages awarded to Castañeda's survivors would ostensibly be limited under the Federal Tort Claims Act, which limits economic damages to those allowed under state law. In California, general pain and suffering damages are capped at \$250,000.

However, there are questions about whether such a cap will apply to this case, Kimmel said, in part because Castañeda's treatment was decided under the auspices of the federal government, and the same limits don't apply in Washington, D.C.

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