

## Family can't collect damages in prisoner's death

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The family of an illegal immigrant who died of penile cancer after pleading for treatment during 11 months in custody is not entitled to damages from the federal medical officials who supervised his treatment, the U.S. Supreme Court ruled Monday.

Despite the unanimous ruling, Francisco Castaneda's daughter and the administrator of his estate can continue their suit against the federal government, which has admitted negligence in his death.

But the damages they can win from the government may be limited to \$250,000, the maximum that California law allows for pain and suffering caused by medical malpractice.

Most government employees who violate an individual's civil rights - for example, by deliberately ignoring their medical needs - can be sued for unlimited damages, including punitive damages. But the court, in an opinion by Justice Sonia Sotomayor, said federal law expressly protects U.S. Public Health Service employees from civil rights suits.

Adele Kimmel, a lawyer for the Castaneda family, said the relatives may be able to win damages from an immigration officer who was involved in Castaneda's treatment and from state employees who were also accused of ignoring his medical condition.

The American Civil Liberties Union, which filed arguments supporting Castaneda's family, said the case shows the need for better health care for the thousands of detainees in custody of U.S. immigration officials.

Castaneda entered the United States with his mother in 1982 at age 10, after fleeing El Salvador during a civil war. He was convicted in 2005 of possessing methamphetamine and spent eight months in jail, then was held in federal detention centers in San Diego and Los Angeles while awaiting proceedings in the government's attempt to deport him and his request for political asylum.

According to the lawsuit he filed before his death, a doctor first noticed a growth on his penis in 2005, when Castaneda was in state custody, and ordered tests that were never conducted.

Multiple lesions developed and his pain increased, but doctors and immigration officials rejected staff recommendations for a biopsy, the suit said, and instead provided pain pills and a clean pair of boxer shorts every day.

A federal doctor ordered a biopsy in January 2007, but the immigration agency abruptly released Castaneda 11 days later, and he underwent a biopsy and amputation of his penis in a Los Angeles County hospital, the suit said.

Castaneda died at his Los Angeles-area home in February 2008 at age 36. He had testified four months earlier to a congressional committee looking into the health care that U.S. Immigrations and Customs Enforcement provides to the 300,000 detainees it holds each year.

*The ruling in [Hui vs. Castaneda, 08-1529](#), can be read at [sfgate.com/ZJPH](#).*