

May 04, 2010

Yesterday, the U.S. Supreme Court ruled 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 El Salvadoran native 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. He was 36 years old.



Francisco Castaneda

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.**

[Click here](#) to read the Supreme Court ruling in *Hui v. Castaneda*.

[Click here](#) to read the Associated Press article about the ruling.

We are grateful for the tireless and determined work of everyone who worked on this appeal -- lead counsel Conal Doyle, our Board Member who argued the case before the Supreme Court, Public Justice Managing Attorney and Supreme Court Counsel of Record Adele Kimmel, Goldberg Waters & Kraus Fellow Amy Radon, Board Member Tom Dempsey, Staff Attorney Leslie Brueckner, Brayton-Baron Fellow Melanie Hirsch, Budd-Kazan Fellow Matt Wessler, and me.

With your help, we will keep fighting for justice. Thanks so much for making that possible.

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation

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email: abryant@publicjustice.net

voice: 202-797-8600

web: <http://www.publicjustice.net>

Public Justice | 1825 K Street, NW | Suite 200 | Washington | DC | 20006