

Court nixes claim in detainee treatment case

Suit by family of cancer-plagued immigrant brought attention to care in facilities.

By **David G. Savage**

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The family of a Los Angeles-area immigrant who languished in federal detention for 10 months while a cancerous growth went untreated cannot sue government doctors for medical neglect, the Supreme Court ruled Monday.

The case of Francisco Castaneda had gained the attention of a judge in Los Angeles who called it shocking and "beyond cruel and unusual punishment."

But in a 9-0 opinion, written by Justice Sonia Sotomayor, the high court said federal law permits claims against the U.S. government but not against the employees of the Public Health Service, which provides medical care at immigration facilities and some federal prisons.

A Salvadoran who came to Los Angeles with his mother when he was 10, Castanada was convicted of a drug charge in his early 30s. He was briefly held in a state prison and then transferred to a federal facility in San Diego pending deportation.

Over 10 months, he repeatedly complained to doctors and a physician assistant that he had a painful, growing wart on his penis that he believed was cancerous. They refused to order a biopsy and told him, according to a report in his files, that he needed "to be patient and to wait." He was given ibuprofen and an extra set of boxer shorts because the "wart" was bleeding. Three outside specialists recommended a biopsy, but Dr. Esther Hui, his treating physician, refused. Castaneda filed a grievance, saying he was "in desperate need of medical attention."

Finally, in 2007, another specialist recommended a biopsy, but instead officials ordered Castaneda released, sparing the agency the cost of treating him. Three days later, he went to a hospital, where he was diagnosed with cancer. His penis was amputated, but the cancer had spread, and he died within a year.

He had testified before a House subcommittee that was investigating the poor medical care given to immigrants held in federal custody. He also filed a broad lawsuit against the U.S. government, California's prison system, Hui and a physician's assistant at the Public Health Service who denied him treatment. His sister and daughter are continuing the suit against the U.S. government.

Also Monday:

- The Supreme Court decided to let stand a ruling saying the Boy Scouts cannot lease city-owned parkland in San Diego because the group is a religious organization. The high court refused to hear an appeal from Scouts who for years had leased Balboa Park camp space.
- Starting today, the public no longer will be able to enter the Supreme Court through its iconic bronze front doors and cross the threshold under the famous words "Equal Justice Under Law," the court announced, citing security risks. Visitors will enter on the plaza level for security checks. They still may exit through the front doors. The change was opposed by Justices Stephen Breyer and Ruth Bader Ginsburg, who objected to altering the symbolic experience of entering the historic building.

Additional material from The Associated Press and The Washington Post.

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