

# Court: \$1.73M award for man denied care in custody

Posted at 07:10 PM on Thursday, Nov. 11, 2010

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- Associated Press

LOS ANGELES A jury has awarded \$1.73 million to the family of an illegal immigrant from El Salvador who died of penile cancer that went undiagnosed for more than a year while he was in state and federal custody.

The Los Angeles Superior Court jury said state prisons were to blame, in part, for the 2007 death of Francisco Castaneda.

After he was convicted of methamphetamine possession in 2005, Castaneda spent more than a year in state and federal facilities, where he was repeatedly denied adequate care for painful lesions on his penis, his lawyer Conal Doyle said Thursday.

Doctors who examined Castaneda twice ordered a biopsy, but he never got one. The first time the procedure was ordered, it was denied by a prison's chief physician. The procedure was apparently forgotten the second time because a doctor failed to follow up. A third time, a federal physician ordered a biopsy but Castaneda was released before it could be done.

Castaneda was given only pain pills and clean boxer shorts every day, and his condition worsened until he had to have his penis amputated in 2007. He died shortly afterward at age 36.

Wednesday's court action was first reported by the San Francisco Chronicle.

Because of the Veteran's Day holiday, spokeswomen said neither the state attorney general's office nor the California Department of Corrections and Rehabilitation could confirm who handled the case for the state or provide further comment.

The Chronicle reported that state lawyers denied the doctors were responsible for Castaneda's death, arguing his cancer was untreatable.

Doyle said Castaneda's family felt they were forced to go to trial to get answers about his care after repeated failed attempts to learn more.

"The family felt like Francisco was vindicated. They felt like this was something that happened for him after he passed away to restore his honor and find justice for him," said Doyle.

Castaneda's 17-year-old daughter, Vanessa, will be given \$1.5 million in damages, with the rest of the award going toward medical bills incurred for treatment after Castaneda was released from custody.

"The jury gave us exactly what we asked for to the penny," said Doyle, noting that the state offered the family \$10,000 to settle as recently as one month ago.

An April trial date is set for a separate federal lawsuit.