No. 20-5525

# In the SUPREME COURT of the UNITED STATES

Larry Bailey, *Petitioner*

v.

United States et, al., *Respondent*

On Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

## PETITION FOR REHEARING

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citing 16 USC § 6802(d). These two cases are cited by numerous courts including the District and Circuit Courts that reviewed my case.

In this case the courts broke precedent and established that the Forest Service can charge visitors a fee for parking at a trailhead to hike or use an area not related to the designated site in question. Therefore, it can charge visitors for services that should be free to the public. The court's ruling creates a legal conundrum by allowing the Forest Service to charge a fee for services that it does not have to maintain with the fee revenue. In effect, it allows the Forest Service to charge a fee for parking and entering trails.

The courts reached their rulings through an erroneous opinion by the District Court which ruled the Secretary of the Interior can *"charge visitors an entrance fee"* when he determines a visitor uses a specific facility or service. The **Secretary of Agriculture** determines fees for the **Forest Service**, not the Secretary of the Interior. The **Secretary of the Interior** determines fees for **National Parks**, and criteria for fees differ greatly between the two. An entrance fee cannot be charged by the Forest Service, *Scherer v. U.S. Forest Service.* The error made by the District Court was never addressed by the Circuit Court.

This Court has previously ruled that,

*"the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules."* *Gondeck v. Pan Am. World Airways, Inc.*, 382 U.S. 25 (U.S. 1965); citing *U.S. v. Ohio Power Co.*, 353 U.S. 98 (U.S. 1957).

It is the duty of the Court to take seriously its consideration of a petition for rehearing,

> *"The right to such a consideration is not to be deemed an empty formality as though such petitions will as a matter of course be denied. This being so, the denial of a petition for certiorari should not be treated as a definitive*

*determination in this Court, subject to all the consequences of such an interpretation." Flynn v. United States*, 75 S.Ct. 285 (U.S. 1955).

## CONCLUSION

If this court does not grant certiorari the 6th Circuit ruling will conflict with legal precedent and allow the Forest Service to charge an entrance fee, and a fee for parking, which conflicts greatly with establish case law.

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I hereby swear is petition for rehearing is presented in good faith and not for delay pursuant to Rule 44.

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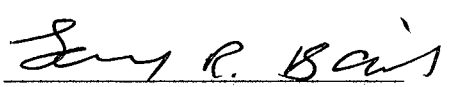
Respectfully Submitted;



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