

United States Court of Appeals
For the Eighth Circuit

No. 22-2657

United States of America

Plaintiff - Appellee

v.

Hammaduzzaman Syed

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 8, 2023

Filed: August 1, 2023

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Hammaduzzaman Syed tried to pay a fifteen-year-old girl he met online for sex, but it turned out he was chatting with an undercover officer. A jury found him guilty of attempted sex trafficking of a minor, *see* 18 U.S.C. § 1594(a), and the

district court¹ sentenced him to 120 months in prison. On appeal, Syed’s only argument is that counsel was ineffective for failing to request an entrapment instruction and object at various points during trial. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984).

What we lack at this point, however, is a “properly developed record” to evaluate the claim. *United States v. Ramirez-Hernandez*, 449 F.3d 824, 827 (8th Cir. 2006). The trial record does not provide enough information, *see Massaro v. United States*, 538 U.S. 500, 504–05 (2003) (noting that the trial record “will not disclose the facts necessary to decide” if counsel was ineffective), so the claim will have to be litigated, if at all, in a motion brought under 28 U.S.C. § 2255. *See Ramirez-Hernandez*, 449 F.3d at 826–27 (explaining that this type of claim is “usually best litigated in collateral proceedings”). We accordingly dismiss the appeal.

¹The Honorable Robert F. Rossiter, Jr., Chief Judge, United States District Court for the District of Nebraska.